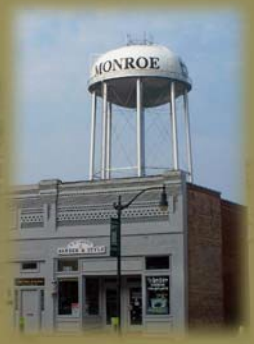
CITY OF MONROE

GEORGIA

ZONING ORDINANCE



Adopted June 10, 2014 Effective July 1, 2014

AMENDMENTS TO ZONING ORDINANCE
FOR
CITY OF MONROE

Original -	Adopted June 10, 2014 – Effective July 1, 2014
1st Amendment -	April 14, 2015 Text Amendments, Section 210.12 Section 610.3 Table 6 Section 620.3 Table 7 Section 643.4(5) Section 700.1 Table 11 Section 700.2 Table 12 Section 1000-6.1(a)(iii) Section 1250.1 General Regulations
2nd Amendment-	February 09, 2016 Text Amendments Section 1421.4(2), 1420.4(2), 1425.1(1), 1430.2(1) Section 610.3 Table 6 Residential Zoning Dist Land Use Regs/MH Section 610.3 Table 6 Residential Zoning Dist Land Use Regs./Res. Section 1250.2(4)(d)(II) Section 643A.5(b) Section 643.4, & 643.5 Section 700.1, Table 11
3rd Amendment-	September 13, 2016 Text Amendments Section 1250.2 Non Residential Allowable Signs Section 630.3 Table 8 Notes Section 1000.6.1 Sidewalk Displays Section 1000.9(3) Temporary Structures
4th Amendment-	April 10, 2018 Text Amendments Section 1250.2(3)(vi) and 1250.2(1)(d) Sign setbacks from right of way Section 700.1 table 11 – building ground floor square footage Section 1250.2 Non Residential Section 700.1 table 11 Add note 7 under R2, Lot area, Min(1) Section 630.3 table 8 Industrial Zoning District land Use Regulations, Utility Area Service Provider Facilities, Emergency Management Services.
5th Amendment-	May 8, 2018 Text Amendments Section 610.3, Table 6, Note 7
6th Amendment-	March 12, 2019 Article III, Section 310.1
7th Amendment-	April 09, 2019

Section 300 – Table 1 Districts

Section 610.3 Residential Land Use Regulations
Section 640 Overlay Districts
Section 643.3 Boundaries of the Corridor
Section 645 Infill Overlay District
Section 645.1 Intent and Purpose
Section 645.2 Applicability
Section 645.3 Permitted Uses
Section 645.4 Density; Open Spaces; Set Back; Parking Requirements; Table 9-Infill Overlay District Dimensional Requirements
Section 645.5 Dwelling Unit Size; Dwelling Unit Design; Site Design Elements
Section 645.6 Design Specifications
Section 645.7 Roads and Streets Connectivity
Section 645.8 Homeowner Association
Section 700.1 R1, R1A, R2, MH Dimensional Requirements
Section 700.1: Table 11-Residential Zoning District Dimensional Requirements: Notes for Table 11,
Article IX: Building Design
Section 900 General
Section 910 Residential Building Design Standards
Section 910.1 Single and Two Family Dwellings
Section 910.2 Multi Family Dwellings

Table of Contents

ARTICLE I: INTRODUCTION **1**
Section 100 Title 1
Section 110 Purpose, Authority, and Enactment 1
Section 120 Jurisdiction 1
ARTICLE II: DEFINITIONS **2**
Section 200 General 2
Section 210 Specific Definitions 2
ARTICLE III: ESTABLISHMENT OF DISTRICTS 13
Section 300 Districts 13
Section 310 District Boundaries 13
Section 320 Rules for Determining District Boundaries When Uncertainty Exists 14
Section 330 Procedures for Zoning of Property to Be Annexed 14
ARTICLE IV: APPLICATION OF REGULATIONS **15**
Section 400 Use 15
Section 410 Reserved 15
Section 420 Yards 15
Section 430 One Principal Structure on a Lot 15
Section 435 One Principal Use on a Lot 15
Section 440 Accessory Structures or Uses 15
Section 450 Building Permit Required 15
Section 455 Building Permit Issuance 15
Section 460 Buildings to Abut Public Streets 15
Section 470 Relocation of Building Requirements 15
ARTICLE V: GENERAL STANDARDS FOR ALL DISTRICTS **16**
Section 500 Non-Conforming Buildings and Uses 16
Section 510 Control of Curb Cuts and Vision Clearance 18
Section 520 Off-Street Automobile Parking 18
Section 530 Off-Street Loading and Unloading Space 22
Section 540 Off-Street Storage and Parking of Vehicles and Equipment 23
Section 550 Screening, Buffering, and Landscaping 23
Section 560 Illumination 25
Section 570 Lot Coverage 25
ARTICLE VI: USE PROVISIONS BY DISTRICT **27**
Section 600 General 27
Section 610 Residential Districts: R1, R1A, R2, MH 27
Section 620 Commercial Districts: P, CBD, B-1, B-2, B-3 31
Section 630 Industrial District: M-1 39

Section 640 Overlay Districts: HPO, A-H, CDO, MHDO 43
Section 641 Historic Preservation Overlay District (HPO) 43
Section 642 Airport Hazard Overlay District (A-H) 44
Section 643 Corridor Design Overlay District (CDO) 44
Section 643A Corridor Design Standards and Guidelines 49
Section 644 Monroe and Walton Mills Historic Overlay District (MHDO) 52
Section 650 Planned Development Districts: PRD, PPD, PCD, PID 57
Section 651 Planned Residential District (PRD) 59
Section 652 Planned Professional District (PPD) 59
Section 653 Planned Commercial District (PCD) 60
Section 654 Planned Industrial District (PID) 60
Section 655 Design Standards and Criteria for Planned Development Districts 60
ARTICLE VII: DIMENSIONAL REQUIREMENTS AND EXCEPTIONS 62
Section 700 Charts of Dimensional Requirements 62
Section 710 Exceptions and Modifications 65
ARTICLE VIII: SITE DESIGN (RESERVED) 66
ARTICLE IX: BUILDING DESIGN (RESERVED) 67
ARTICLE X: SUPPLEMENTAL STANDARDS FOR SPECIFIC USES 68
Section 1000 Accessory Structures and Uses 68
Section 1010 Reserved 72
Section 1020 Cemeteries 72
Section 1030 Reserved 73
Section 1031 Archery Range or Firing Range 73
Section 1040 Individual Manufactured Homes 73
Section 1045 Manufactured Home Parks 73
ARTICLE XI: TELECOMMUNICATION TOWERS & ANTENNAS 79
Section 1100 Intent and Purpose 79
Section 1110 Applicability 79
Section 1120 Permitting Requirements 79
Section 1130 General Tower and Antenna Regulations 80
Section 1140 Towers and Antennas Permitted 81
Section 1150 Towers and Antennas Which Require Administrative Approval 81
Section 1160 Towers and Antennas Which Require a Conditional Use Permit 81
ARTICLE XII: SIGNS 82
Section 1200 Short Title 82
Section 1210 Definitions 82
Section 1220 Purpose 85
Section 1230 Administration 86
Section 1240 Sign Permit Required 86
Section 1250 Regulated Signs 87
Section 1255 Construction and Maintenance Requirements 92

Section 1260 Enforcement 93
Section 1265 Prohibited Signs and Advertising Devices 93
Section 1270 Nonconforming Signs 94
Section 1280 Exempt Signs 94
Section 1285 Variances 95
ARTICLE XIII: LANDSCAPING DESIGN AND TREE PRESERVATION (RESERVED) 96
ARTICLE XIV: ADMINISTRATION AND ENFORCEMENT 97
Section 1400 Enforcement 97
Section 1405 Permitting Requirements 97
Section 1410 Planning Commission 98
Section 1415 City Council 98
Section 1419 Amendment to the Comprehensive Plan 98
Section 1420 Zoning Ordinance Text Amendments 99
Section 1421 Zoning Map Amendments 100
Section 1425 Conditional Uses 101
Section 1430 Variances 102
Section 1440 Notice Provisions 103
Section 1445 Public Hearing Procedures 104
Section 1450 Disclosure of Campaign Contributions and/or Gifts 105
Section 1460 Conflict of Interest in Zoning Decisions 106
ARTICLE XV: LEGAL PROVISIONS 107
Section 1500 Conflict with Other Laws 107
Section 1510 Severability 107
Section 1520 Repeal of Conflicting Ordinances 107
Section 1530 Effective Date 107

Article I

ARTICLE I: INTRODUCTION

Section 100 Title.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MONROE, GEORGIA, CREATING ZONING DISTRICTS AND REGULATING LAND THEREIN, INCLUDING REGULATING THE LOCATION, HEIGHT, BULK, NUMBER, SIZE AND APPEARANCE OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF POPULATION, THE USES OF BUILDINGS AND STRUCTURES AND LAND FOR RESIDENCE, COMMERCE, INDUSTRY, RECREATION, PUBLIC ACTIVITIES OR OTHER PURPOSES; ADOPTING A MAP FOR THE PURPOSE OF ESTABLISHING THE BOUNDARIES OF SAID DISTRICTS; ADOPTING GENERAL ZONING REGULATIONS; PRESERVING BUILDINGS, STRUCTURES OR AREAS HAVING NATIONAL, REGIONAL, STATE OR LOCAL HISTORIC SIGNIFICANCE; PROTECTING AND ENHANCING SIGNIFICANT SCENIC, NATURAL AND VISUAL ASSETS OF COMMUNITY GATEWAYS AND CORRIDORS; ENSURING MAXIMUM PROTECTION FOR WATER SUPPLY WATERSHEDS, GROUNDWATER RECHARGE AREAS AND WETLANDS; PROVIDING SUPPLEMENTAL STANDARDS FOR SPECIFIC USES, TOWERS AND ANTENNAS AND SIGNS; PROVIDING A METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR PENALTIES FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES; DEFINING CERTAIN TERMS USED HEREIN; AND FOR OTHER PURPOSES.

Section 110 Purpose, Authority, and Enactment.

Pursuant to the authority conferred by Article IX, Section II, Paragraph IV, of the Georgia Constitution of the State of Georgia, as amended, and for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; improving the aesthetic appearance of the municipality; promoting desirable living conditions and sustained stability of neighborhoods; preserving the value of buildings and encouraging the most appropriate use of land and buildings throughout the municipality; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; following, where possible, the guidance of the comprehensive plan, the Mayor and Council of the City of Monroe, Georgia, hereby ordain and enact into law this the **Official Zoning Ordinance of the City of Monroe, Georgia,** as amended for the incorporated area of the City of Monroe for planning and zoning control purposes.

Section 120 Jurisdiction.

This Ordinance shall govern the use and development of all land, buildings, and structures within the incorporated limits of Monroe, Georgia.

ARTICLE II: DEFINITIONS

Section 200 General.

Except as specifically provided herein, all words used in this Ordinance shall have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

(1) Words used in the present tense include the future tense.
(2) Words used in the singular include the plural, and words used in the plural include the singular.
(3) The word "person" includes any natural person(s), firm, association, organization, partnership, corporation, trust, company and all other legal entities.
(4) The word "lot" includes the word "plot" or "parcel."
(5) The word "building" includes the word "structure."
(6) The word "shall" is mandatory.
(7) The word "used" or as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used."
(8) The word "map," "zoning map" or "Monroe Zoning Map" shall mean the "Official Zoning Map of the City of Monroe, Georgia."
(9) The word "ordinance" shall mean this the "Official Zoning Ordinance of the City of Monroe, Georgia."
(10) The words "owner occupied" shall mean owned, lived and resided in, by a natural person with 50% or larger ownership interest. Evidence of domicile and/or residence shall include but not be limited to the 50% or larger owner's providing the following evidence that the property is that person's primary residence:
    a) he/she sleeps overnight at the property 183 or more nights a year;
    b) he/she receives mail at the property as that person's primary address;
    c) his/her voter registration is at the property address;
    d) bank account shows the property as his/her address;
    e) vehicles are registered at the property address; or
    f) IRS records show the property as his/her primary address.

Section 210 Specific Definitions.

When used in this ordinance, the following words and phrases, whether capitalized or not, shall have the meaning indicated in this Section. Additional definitions pertaining to specific sections may be found throughout this Ordinance.

(1) ACREAGE, GROSS: A measurement of the total area within a parcel of land.
(2) ACREAGE, NET: Gross acreage exclusive of dedicated public road rights-of-way, public use areas, flood control and drainage areas, and any easement constituting a substantial impairment of the fee.
(3) ADDITION: Any extension, increase, or enlargement in the size of a building in terms of height, length, width, gross floor area or lot coverage.
(4) ADULT USE: An establishment described and regulated in detail in the Code of Ordinances, Chapter 22, Article II, entitled Adult Entertainment which, for any form of consideration, provides adult entertainment services or activities.
(5) AGRICULTURAL: A use or occupancy for an enterprise involving farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products.
(6) AIRPORT: A transportation terminal facility where aircraft take off and land.
(7) ALTERNATIVE TOWER STRUCTURE: Shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
(8) ALLEY: A platted service way providing a secondary means of access to abutting properties.
(9) ALTERATION: Includes without limitation any enlargement or diminution of a building or structure, addition, relocation, demolition, repair, remodeling, change in number of living units, development of or change in open space, development of or change in a sign by painting or otherwise, or other change in a facility. This excludes ordinary maintenance for which no building permit is required, replacement of utilities, rearrangement of internal partitions, and painting except as provided herein for signs.
(10) APARTMENT: A dwelling unit containing one (1) room or a suite of rooms, with a kitchen and bath, used as an individual dwelling unit within a portion of a building and usually used for rental purposes. Apartments

shall be distinguished from lodging establishments where overnight accommodations, which include a bath and may include a kitchen, are provided to guests for thirty (30) days or less.

(11) APARTMENT, ACCESSORY: A subordinate apartment unit, as a mixed use, located within a building with a commercial principal use.

(12) APARTMENT BUILDING: A dwelling unit exclusively used for five (5) to (8) apartment units, except as otherwise expressly authorized by this ordinance.

(13) APARTMENT HOUSE: A dwelling unit exclusively used for two (2) to four (4) apartment units and having the proportions, scale, features, and appearance of a single-family dwelling.

(14) ARCHERY RANGE AND/OR FIRING RANGE: Use of property where firearms and/or archery equipment are allowed for indoor practice by adults.

(15) AUTOMOBILE SERVICE STATION: Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services, including facilities for lubricating, washing and cleaning, or otherwise servicing automobiles, but excluding painting and major repair.

(16) AUTOMOBILE WRECKING YARD, AUTOMOBILE USED PARTS LOT OR JUNKYARD: Any place where three (3) or more vehicles not in running condition, and not being restored to operative condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition. Any vehicle on which repairs to restore the vehicle to operative condition have not begun within a 30 day period from the time such vehicle appears on the property shall be considered as "not in running condition" for the purpose of this definition.

(17) BASEMENT: A space having one-half (1/2) or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6-1/2) feet.

(18) BED AND BREAKFAST (B&B): An owner-occupied single-family dwelling providing lodging or lodging and breakfast for no more than four (4) guest rooms for compensation, operated by the domiciliary, resident, natural person owner with a 50% or larger ownership interest, under prescribed conditions of use; the primary use is for a residence as opposed to business use.

(19) BED AND BREAKFAST INN (B&B Inn): A lodging establishment located in a building with four (4) to twelve (12) guest rooms that provides overnight accommodations and meals to paying guests. The inn's primary use is for business as opposed to residential use, may include commercial restaurant and kitchen facilities, and may serve special events, such as weddings, small business and civic meetings under prescribed conditions of use.

(20) BEST MANAGEMENT PRACTICES (BMPs): A wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned use. Design of BMPs shall be in accordance with the ***Manual for Erosion and Sediment Control in Georgia***, most recent edition.

(21) BLOCK: A piece or parcel of land entirely surrounded by public streets, other than alleys.

(22) BUFFER/BUFFERING: A portion of a lot or land area providing visual separation of one use from another and mitigating the effects of one land use upon another through the use of distance, vegetation and screening. Also referred to as a landscape buffer and differentiated from a stormwater buffer. Not to be confused with landscaping/landscape area.

(23) BUFFER WIDTH: Viewed aerially, buffer width is measured horizontally on a line perpendicular to the adjoining right-of-way or property line from which the use must be buffered. Buffer width is required in addition to the right-of-way and landscape requirements.

(24) BUILDING: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals, goods, or equipment.

(25) BUILDING, ACCESSORY: A structure detached from the principal building that:

a) is subordinate to and serves a principal building or a principal use;

b) is subordinate in area, extent, and purpose to the principal building served;

c) is located on the same lot as the principal building served, except as otherwise expressly authorized by this ordinance;

d) is customarily incidental to the principal building. See also Section 1000.1.

(26) BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot.

(27) BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the building, excluding any antenna. When referring to a tower or other structure, height shall mean the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

(28) CAMPGROUNDS: Use of property for overnight outdoor camping and/or educational, outdoor sports, or retreat purposes for seasonal or short-term occupancy (less than 30 days). Shall be strictly construed as to not include recreational vehicle campgrounds.

(29) CERTIFICATE OF APPROPRIATENESS (COA): A document, required prior to a building permit, approving an application to make an alteration or a material change in the appearance of a property or of a structure, site, or work of art located in the Historic Preservation Overlay District (HPO) or the Corridor Design Overlay District (CDO) granted in accordance with Chapter of 54 of the Code of Ordinances or Section 643 of this Ordinance, respectively.

(30) CERTIFICATE OF OCCUPANCY (CO): A document issued by the Code Enforcement Officer approving an application to occupy a building as a condition precedent to the commencement of use after the construction or reconstruction of a structure or portion thereof, certifying that said use and structure are in compliance with the provisions of this Ordinance and all applicable municipal codes, regulations, standards and criteria, and granted in accordance with Section 1405.03 of this Ordinance.

(31) CHILD-CARE HOME: A facility in a private residence providing for the care, supervision, and protection (with or without academic instruction) of children in which the dwelling is occupied by the provider of these services and where no more than six (6) children under eighteen (18) years of age are received for group care without transfer of custody for more than four (4) hours and less than twenty-four (24) hours per day.

(32) CHILD-CARE CENTER: A facility other than a private residence providing for the care, supervision, and protection (with or without academic instruction) of children which is licensed by the state and city, where seven (7) or more children under the age of eighteen (18) years of age are received for group care without transfer of custody for less than twenty-four (24) hours, and where tuition, fees, or other forms of compensation for the care of the children is charged.

(33) CHURCH: An institutional building or buildings wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious congregation or body organized to sustain public worship, includes synagogue, temple, mosque, or other such places of worship.

(34) CHURCH, COMMUNITY: A church with a seating capacity of between three hundred (300) and six hundred (600) persons in the sanctuary or main activity area and additional gross floor area is limited to church offices, culinary, nursery and toiletry areas, and group meeting rooms.

(35) CHURCH, MEGACHURCHES: A large, specialized type of church with a seating capacity of more than six hundred (600) persons in the sanctuary or main activity area and that may also include additional gross floor area for church offices, culinary, nursery and toiletry areas, and group meeting rooms. Megachurches often encompass one or more nontraditional accessory uses including child-care, schools and after school programs, overnight accommodations, retail sales, soup kitchens, thrift shops, community shelter, gymnasiums, recreational facilities, and other such uses.

(36) CHURCH, NEIGHBORHOOD: A church with a seating capacity of three hundred (300) persons or less in the sanctuary or main activity area and additional gross floor area is limited to church offices, culinary, nursery and toiletry areas, and group meeting rooms.

(37) CLINIC: A healthcare establishment where human patients are examined and treated on an outpatient basis by one or more physicians, dentists or other medical personnel and where patients are usually not lodged overnight.

(38) CLUB, NONPROFIT: Buildings and facilities owned or operated by a civic organization for social, intellectual, philanthropic, or recreational purposes to which membership is required and which are not operated for profit, as documented by state or federal records.

(39) CODE ENFORCEMENT OFFICER: The individual, designated by the Mayor & Council, responsible for the administration and implementation and enforcement of this Ordinance, all zoning codes, building codes, construction and design standards and such other ordinances assigned to the Code Office of the City of Monroe.

(40) CODE OF ORDINANCES: The Code of Ordinances, City of Monroe, Georgia, as amended.

(41) COMMERCIAL: A use or occupancy by persons generally engaged in the buying and/or selling of commodities and services and/or any type of for-profit activity.

(42) CONCRETE BATCH PLANT: A ready-mixed concrete production plant engaged primarily in the manufacture of concrete which is delivered to users in a fluid and unhardened state. Aggregate and cement are manufactured off-site and brought to the batch plant where they are mixed with water to produce concrete.

(43) CONDOMINIUM: A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provisions of the Georgia Condominium Act, O.C.G.A. 44-3-70 et seq. in which

each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

(44) CONVENIENCE STORE: A retail grocery establishment designed and stocked to quickly serve customers who purchase only a relatively few items, selling primarily packaged foods, beverages and snacks, and household supplies, with accessory retail sales of fuel, prepared food, and beer and wine. A convenience store is differentiated from a fuel station, where the primary use is fuel sales.

(45) COUNCIL: The Mayor and Council of the City of Monroe, Georgia.

(46) CRAFTSMAN STUDIO: An establishment dedicated to the instruction and creation of decorative arts and furnishings including but not limited to wood, glass, pottery, metal, stone or other similar type raw material used in the production of arts or crafts. Integral to the studio must be a retail component and an area where the public may observe the craftsman creating custom items for retail sales. No outside storage, construction, or assembly is permitted.

(47) DENSITY: The number of principal buildings or principal uses permitted per gross acre of land.

(48) DETENTION: A stormwater management method where stormwater runoff is temporarily stored. The runoff is then released at controlled rates.

(49) DEVELOPMENT REGULATIONS: The Development Regulations for the City of Monroe, Georgia, adopted July 6, 1999, as amended.

(50) DISTRICT: A part or section of the City of Monroe within which the zoning regulations are uniform.

(51) DOWNTOWN DEVELOPMENT AREA DISTRICT: All that area defined by the Downtown Development Authority Area Map as adopted by resolution of the Council on May 8, 2012, as amended.

(52) DUPLEX: See Dwelling, Two-Family.

(53) DWELLING UNIT, DETACHED: See Dwelling, Single-Family.

(54) DWELLING / DWELLING UNIT: A building or portion thereof, with living, sleeping, culinary, and sanitary accommodations, designed for or used for human habitation.

(55) DWELLING, ACCESSORY: A subordinate single-family dwelling unit located within or constructed on the same lot as a single-family dwelling or other principal use building.

(56) DWELLING, MULTI-FAMILY: A type of attached dwelling unit exclusively designed for or used by three (3) or more families with each family occupying an independent dwelling unit.

(57) DWELLING, SINGLE-FAMILY: A dwelling unit exclusively designed for or used by one (1) family that is a detached, freestanding building, built according to current building code standards, then existing and Development Regulations of the City.

(58) DWELLING, TOWNHOUSE: A type of attached dwelling unit that is two to four stories in height which has outside, individual front and rear entrances, is separated from other dwellings by fire-rated common walls extending from the foundation to the roof decking, have individual fee simple ownership and is part of a contiguous group of not less than six (6) townhouses, and shall be considered a multi-family dwelling. Said townhouses shall have a required common control of exterior design, maintenance and upkeep in place such as a property owner's association.

(59) DWELLING, TWO-FAMILY: A type of attached dwelling unit exclusively designed for and occupied by two (2) families with each family occupying an independent dwelling unit and having the exterior proportions, scale, features, and appearance of a single-family dwelling.

(60) EASEMENT: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, a certain person or persons, or certain other properties.

(61) EDUCATIONAL FACILITIES, PRESCHOOL: A facility other than a private residence that is primarily educational in nature providing for the instruction, care, supervision, and protection of children usually between two and six (2-6) years of age, where seven (7) or more children are received for group instruction and care for four (4) hours or less per day. This term encompasses nursery school. This term is distinguished from day schools (see school) and after school programs (see child-care).

(62) EDUCATIONAL FACILITIES, SCHOOL: A facility other than a private residence that is educational in nature providing for the instruction, care, supervision, and protection of children between the kindergarten and high school levels, where seven (7) or more children under the age of eighteen (18) years of age are received for group instruction and care without transfer of custody for more than four (4) hours and less than twenty-four (24) hours per day. Also referred to as a day school. This term encompasses elementary/primary, secondary/middle/junior high, and high school levels.

(63) EDUCATIONAL FACILITIES, SCHOOL FOR THE ARTS: A facility where group instruction or classes in the various arts (e.g. dance, painting, sculpting, singing, karate) are taught to four (4) or more persons at a time. Also referred to as studios.

(64) EDUCATIONAL FACILITIES, UNIVERSITY/COLLEGE: A facility for post-secondary education authorized by the state or other appropriate agency to award associate, baccalaureate, or higher degrees.

(65) EXTERIOR ARCHITECTURAL FEATURE: The architectural style, general design, and general arrangement of the exterior of a structure, including, but not limited to, the type and texture of the building material, the type and style of all windows, doors, roofing, siding and signs, and other related architectural fixtures, features, details, or elements.

(66) FEE SCHEDULE, CITY OF MONROE: The schedule of fees charged by the Code Office and other departments of the City as adopted and amended from time to time by the Council.

(67) FABRICATION: The preparation or treatment of semi-processed materials for use in creating a final product. The final product which may be assembled on site or distributed to a secondary facility for assembly.

(68) FAMILY: One (1) or more persons related by blood, marriage, adoption, or guardianship living together and occupying a dwelling as a single housekeeping unit or household, or no more than four (4) unrelated persons living together and occupying a dwelling as a single housekeeping unit or household.

(69) FLOOR AREA: The total area of all floors of a building as measured to the outside surfaces of exterior walls or from the centerline of walls separating two (2) connecting buildings, and including halls, stairways, and elevator shafts, but excluding attached garages, porches, balconies, unfinished basements, and attics with clearance less than seven (7) feet.

(70) FLOOR AREA, GROUND: The floor area of the grade level of a building, thus excluding basement or upper stories.

(71) GAME CENTER: Use of property where games (including video games, arcade games, pinball machines, billiard/pool tables, and other similar recreational games) are offered for indoor play. Shall be strictly construed as to not include monetary gambling devices, gaming tables, or other such games of chance.

(72) GYMNASIUMS: Non-commercial use of property for physical fitness facilities encompassing organized and unorganized athletic activities (including pools; courts for basketball, squash, racquetball, and other similar sports; and shower/locker facilities) which are offered for indoor activity.

(73) HEALTH/FITNESS CENTER: Use of property for health and physical fitness facilities encompassing equipment and classes which are offered for indoor activity.

(74) HEAVY INDUSTRIAL: Uses engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials. Includes manufacturing processes using flammable or explosive materials; storage of flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Operations typically do not make reasonable attempts to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

(75) HEAVY MANUFACTURING: The manufacture and compounding of raw materials which may require outdoor operations as part of the process. Heavy manufacturing is specifically excluded from the M-1 Zoning District.

(76) HOME OCCUPATION: See Section 1000.3.

(77) HOTEL: A building in which lodging is provided with ten(10) or more guest rooms and offered to the public for compensation and in which access to each guest room is made through interior corridors or hallways.

(78) IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to building roofs, paved areas, and parking, driveway, and walkway areas.

(79) INDUSTRIAL: A use or occupancy by persons engaged in the manufacture, fabrication, processing, reduction, or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes without limitation storage elevators, truck storage yards, warehouses, wholesale storage, and/or other similar types of enterprise.

(80) INDUSTRIAL, LIGHT: An industrial use that is capable of operation in such a manner as to control all external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. As opposed to “heavy industrial,” which is an industrial use that produces moderate to significant external effects or that poses moderate to significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, excessive smoke, dust, or dirt or other nuisance or hazardous substances in the manufacturing or other process.

(81) INDUSTRIALIZED BUILDINGS: Any structure or component thereof wholly or substantially made, or assembled in manufacturing facilities for assembly and/or installation such that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. "Industrialized building" does not include manufactured housing. All industrialized buildings shall bear the seal of the Georgia Department of Community Affairs.

(82) INN: A building or buildings in which lodging with three (3) to nine (9) guest rooms, offered to the public for

compensation and may include commercial restaurant and kitchen facilities as well as special event rentals both outdoor and indoor. The term should not be confused with a Bed & Breakfast Inn, where owner occupation is requisite and prescribed conditions of use apply.

(83) INSTITUTIONAL: A use or occupancy by persons engaged in nonprofit or quasi-public uses that provides a public service and is operated by government, utility, university, school or college, church or other religious organization, public agency, or tax-exempt organization (for example: library, hospital.)

(84) JUNKED AUTOMOBILE: Any wrecked, dismantled, partially dismantled, inoperative, or discarded automobile not currently licensed with valid tag, insurance and registration.

(85) KENNELS: Any location for raising, grooming, caring for, boarding or treating of dogs, cats, or other small animals.

(86) LANDSCAPING/LANDSCAPE AREA: A portion of lot or land area, either natural or modified for aesthetic or functional purposes through grading and planting, consisting of vegetation including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch and other similar materials.

(87) LAUNDRY & DRY-CLEANING SERVICE: A facility that provides washing, drying, dry-cleaning and/or pressing services for a charge.

(88) LAUNDRY & DRY-CLEANING SERVICE, STATION: A facility used exclusively for the pickup and delivery of laundry and/or dry-cleaning without any cleaning service equipment upon the premises.

(89) LAUNDRY, SELF-SERVICE: A facility that provides washing, drying, dry-cleaning, and/or ironing equipment for rental use to the general public. Also referred to as a Laundromat.

(90) LIGHT DUTY TRAILERS: Light duty trailers are one or two axle trailers that may or may not be enclosed, capable of being pulled by passenger vehicles and are only used to haul equipment and materials.

(91) LIGHT INDUSTRIAL: Uses engaged in research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of finished or semi-finished products from previously prepared materials where all activities are conducted wholly within an enclosed building.

(92) LIGHT MANUFACTURING: The manufacture, predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and heavy manufacturing.

(93) LIVABLE CITIES INITIATIVE DISTRICT: All that area defined by the LCI Program documentation as adopted by resolution by the Council on November 14, 2006, as amended.

(94) LOADING SPACE: A space within or adjacent to the principal building or on the same lot, providing for the loading or unloading of trucks and other carriers.

(95) LOFT: A dwelling unit containing one (1) room or a suite of rooms, with a kitchen and bath, used as an individual dwelling unit within the upper floors or basement level of a building and where the ground floor level is reserved for non-residential uses.

(96) LOT: The basic development unit, an area with fixed boundaries, used by one (1) building and its accessory building and not divided by any street or alley. A lot must meet the requirements of the zoning district in which it is located and must have lot frontage on a public street. Right of way shall not be included in the area of a lot.

(97) LOT, CORNER: A lot abutting two (2) or more streets at their intersection.

(98) LOT, DOUBLE FRONTAGE: A non-corner lot abutting two (2) non-intersecting streets, as distinguished from a corner lot.

(99) LOT, INTERIOR: A non-corner lot.

(100) LOT COVERAGE: A measure of the intensity of land use that represents the portion of a site that is impervious surface.

(101) LOT DEPTH: The distance between front and rear lot lines. If said lines are not parallel, the depth shall be the average distance between the front and rear lot lines.

(102) LOT FRONTAGE: The distance along which the front lot line of a parcel adjoins a street.

(103) LOT LINE: The line of record bounding a parcel that divides one (1) lot of record from another lot of record or from a street or other public open space. Also referred to as a property line.

(104) LOT OF RECORD: A lot designated on a subdivision plat or deed as approved by the Code Enforcement Officer and duly recorded in the Office of the Clerk of the Superior Court of Walton County prior to the adoption of this Ordinance.

(105) LOT WIDTH: The horizontal distance between side lot lines measured at the required setback from the front lot line.

(106) MANUFACTURED HOME: means a structure, transportable in one or more sections, which, in the traveling

mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, meets or exceeds the square footage requirement of the zoning district and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*.

(107) MANUFACTURED HOME PARK: Means any property on which two (2) or more manufactured homes are located or intended to be located for purposes of residential occupancy.

(108) MANUFACTURED HOME SPACE: A lot within a manufactured home park designed for the placement of one (1) manufactured or mobile home.

(109) MATERIAL CHANGE IN APPEARANCE: The construction of a new structure, or a change that will affect the exterior architectural features of any structure, site, or work of art within the HPO or CDO districts. Ordinary maintenance or repair of any exterior architectural feature in or on a structure that does not involve a change in design is expressly excluded from the definition of the term "material change in appearance." Material change in appearance includes without limitation the following:

(a) a reconstruction or alteration of the size, shape, or facade of a structure, including without limitation relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;

(b) demolition of a structure;

(c) relocation of a structure within the HPO or CDO districts or from a location outside the HPO or CDO districts to a location within the HPO or CDO districts;

(d) commencement of excavation;

(e) a change in the location of advertising visible from the public way on the property; or

(f) the erection, alteration, restoration, or removal of any structure within HPO or CDO districts, including walls, fences, steps, and pavement, landscaping or other related site features.

(110) MOBILE HOME: means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, meets the square footage requirement of the zoning district, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445). For purposes of regulation, these are regulated exactly the same as Manufactured Homes in Section 1040 and the term thus is used interchangeably.

(111) MOTEL: A building or buildings for lodging with thirteen (13) or more guest rooms and offered to the public for compensation with access to each guest room from outside the building.

(112) MULTI-FAMILY: See Dwelling, Multi-Family.

(113) NEIGHBORHOOD ACTIVITY CENTER: Use of property where a residential development has uses and or facilities (including pools, tennis courts, playgrounds, clubhouses, golf courses, and other similar uses) available for residents of the development and their guests.

(114) NON-CONFORMING CHARACTERISTIC OF USE: A feature of a property, including without limitation accessory structures and uses, parking, loading and unloading spaces, storage and parking areas, screening, screening, buffering and landscaping, illumination, towers and antennas, signs, or condition(s) of a conditional use, which was legal prior to the adoption of this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section 500.

(115) NON-CONFORMING LOT: A lot that the area, dimension, or location of which was legal prior to the adoption of this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section 500.

(116) NON-CONFORMING STRUCTURE: A building or structure that the size, dimensions or location of which was legal prior to the adoption of this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section 500.

(117) NON-CONFORMING USE: A use or activity which was legal prior to the adoption of this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section

500.

(118) OFFICE PARK: A development having a single land use encompassing multiple professional occupancies with independent business licenses in two (2) or more buildings planned, designed, constructed, and/or managed to function as a unified complex: with tenants engaged in similar business, a cohesive architectural design, shared off-street parking, separation of goods delivery and customer access, landscaped open space areas, and connecting pedestrian amenities as an integral part of the complex.

(119) OPEN SPACE: A parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use in an essentially undeveloped or unimproved state that would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote conservation of soils or wetlands; (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance passive or active recreation areas.

(120) OPPORTUNITY ZONE: See URBAN REDEVELOPMENT DISTRICT.

(121) PARK, ACTIVE: Non-commercial use of property for active enjoyment encompassing organized and unorganized athletic activities (including but not limited to athletic fields and playgrounds as well as tennis courts and swimming pools.) Shall not be construed to include golf courses nor driving ranges.

(122) PARK, PASSIVE: Non-commercial use of property for beautification and passive enjoyment (including but not limited to open space and green space areas, arboretums and preserves, point and pocket parks, and linear parks and/or trail systems). Shall not be construed to include camps or campgrounds.

(123) PARKING, OFF-STREET: A space for parking of motor vehicles provided on premises other than streets that is at least nine (9) feet wide and twenty (20) feet long with a minimum net area of one hundred and eighty (180) square feet, excluding area for egress and ingress and maneuvering of motor vehicles.

(124) PARKING AREA: An accessory use of a property for the purpose of parking or storage of no more than three (3) motor vehicles of the occupants of a principal building.

(125) PARKING GARAGE, PUBLIC: A building or portion thereof designed and/or used for parking or storage of motor vehicles, that is available to the general public and which may be provided for compensation, free, or as an accommodation to clients, customers, or employees.

(126) PARKING GARAGE, PRIVATE: A building or portion thereof designed and/or used for parking or storage of motor vehicles that is primarily intended for the use of clients, customers, or employees of the principal building.

(127) PARKING GARAGE, RESIDENTIAL: An accessory building or a portion of a principal building used for the parking or storage of no more than three (3) motor vehicles of the occupants of the principal building, where no portion may be used or rented for commercial vehicle parking or storage. A carport or other such shelter shall be considered as a residential garage.

(128) PARKING LOT: A surfaced area designed and/or used for the temporary parking and storage of four (4) or more motor vehicles and that is available to the general public and which may be provided for compensation, free, or as an accommodation to clients, customers, or employees. Parking lots must comply with Section 520.

(129) PERSONAL CARE ESTABLISHMENTS: A facility providing for the care, supervision, and protection of persons licensed by the state and city where fees or other forms of compensation for the oversight of full-time residency is charged.

(130) PERSONAL CARE HOMES: A profit or nonprofit facility, home or structure providing protective care and watchful oversight for residents. Such home, however, shall not provide chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the residents while inside the building. Personal care may include daily awareness by the management of the residents' functioning and whereabouts, the reminding of residents of their appointments, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care. The residents and staff shall live together as a single housekeeping unit and in a long-term, family-like environment. Personal care homes shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals. The term "personal care home" shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. All personal care homes must have a permit from the Georgia Department of Human Resources.

(131) PERSONAL CARE HOME, CONGREGATE: A personal care home which offers care for sixteen (16) or more persons.

(132) PERSONAL CARE HOME, FAMILY: A personal care home in a family residence setting, non-institutional in character, which offers care to two (2) through six (6) persons.
(133) PERSONAL CARE HOMES, GROUP: A personal care home in a residence or other type building or buildings, non-institutional in character, which offers care to seven (7) through fifteen (15) persons.
(134) PLANNED CENTER: A single lot containing two (2) or more primary uses, each having its own business license, and having building(s) no less than 5,000 square feet and no more than 300,000 square feet planned, designed, constructed, and/or managed to function as a single development with shared off-street parking, provision of goods delivery separated from customer access, landscaped open space areas, and pedestrian plazas and/or amenities provided on the property as an integral part of the complex.
(135) PLANNING COMMISSION: The City of Monroe Planning & Zoning Commission, as appointed by the Mayor.
(136) PLAY CENTER: Use of property where playground equipment, inflatable play structures, or other play facilities are offered for indoor play by children.
(137) PROCESSING: The preparation of material to meet specifications established by an end-user for assembly, fabrication, or sale. Processing facilities are limited to baling, briquetting, compacting, flattening, sorting, packaging, and cleaning. No final products are assembled on site.
(138) PROFESSIONAL: A use or occupancy by persons of a recognized field typically engaged in rendering personal, executive or administrative services or activities (i.e. accountant, actuary, advertisement, appraisal, architect, billing/bookkeeping, brokerage, computer science, decorator, designer, editor, engineer, insurance, investment, landscape architect, lawyer, real estate, researcher, surveyor, translator, web design). The term excludes without limitation persons engaged in repairs or sales of tangible personal property and any use which would create any loud noise, noxious odors or medical waste.
(139) PROFESSIONAL, MEDICAL: A use or occupancy by persons of a recognized field typically engaged in providing medical services and certified either by the State of Georgia and/or nationally recognized body (i.e. physician, chiropractor, dentist, psychologist, optometrists, physical therapists, and similar health care providers) or working under such person. For the purposes of this definition veterinarians and other animal care providers are specifically excluded.
(140) RESIDENTIAL: A use or occupancy by persons for human habitation, including single-family, two-family, and multifamily dwellings, lofts, apartments, and accessory and tenant dwellings. Residences do not include such guest and transient accommodations as hotels, motels, inns, recreational vehicle campgrounds, personal care establishments, healthcare facilities, etc.
(141) RESTAURANT: A commercial establishment characterized by table service where food and beverages are prepared, served, and consumed primarily within the principal building. The term encompasses cafes, grills, and lunch counters and includes outdoor customer dining areas and carry-out/take-out service but excludes without limitation drive-in and drive-thru restaurants.
(142) RESTAURANT, DRIVE-IN: A restaurant that caters to motor vehicle business where the person being served may consume food and/or beverages while sitting in a motor vehicle.
(143) RESTAURANT, DRIVE-THRU: A restaurant where a patron may be served while remaining in a motor vehicle and may consume food and /or beverages on or off the premises.
(144) RETAIL: A commercial use that sells any article, substance, or commodity in small quantities directly to the end consumer, but excludes bulk retail establishments, building and construction material supply establishments, and those uses classified more specifically by definition herein. For the purpose of this ordinance, “bulk retail” is differentiated from general retail in that it involves a high volume of sale of related and/or unrelated products in a warehouse setting and membership warehouse clubs. Incidental manufacturing of products sold by the retail establishment on the premises is included, provided that the manufacturing area does not occupy more than twenty (20) percent of the total floor area and does not employ more than ten (10) persons.
(145) RETENTION: A stormwater management method where a given volume of stormwater runoff is permanently stored. Release of the given volume is by infiltration and/or evaporation.
(146) RIGHT OF WAY: Access over or across particularly described property for a specific purpose or purposes.
(147) RIGHT OF WAY LINES: The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.
(148) SCREENING/SCREEN: A method of visually shielding or obscuring an abutting or nearby structure or use from the public right-of-way or from another structure or use.
(149) SEDIMENTS: Any solid particulate matter, mineral or organic, that has been or is being transported by water, air, ice or gravity.
(150) SHARED PARKING: The shared use of parking facilities by multiple lots and/or parcels and/or users to

minimize the total area of open asphalt based parking facilities in the City. Shared Parking is encouraged and may be permitted at the discretion of the Code Enforcement Officer if the overall intent of the parking requirements of this Ordinance is met.

(151) SHOPPING CENTER: A development having a single land use encompassing multiple retail occupancies with independent business licenses in building(s) planned, designed, constructed, and/or managed to function as a unified complex: with tenants engaged in similar business, a cohesive architectural design, shared off-street parking, separation of goods delivery and customer access, landscaped open space areas, and connecting pedestrian amenities as an integral part of the complex.

(152) SIGN: See Section 1210.

(153) SMALL PARKING LOT: A surfaced area accommodating up to twenty (20) spaces or graveled area accommodating up to ten (10) spaces designed and/or used for temporary parking and storage of vehicles and that is available to the general public and which may be provided for compensation, free, or as an accommodation to clients or employees. Small parking lots must comply with Section 520.

(154) SMALL SCALE INSTRUCTION: Use of property where interior space(s) are used to provide short lessons or tutoring to groups of 20 or fewer attendees. Uses appropriate to Gymnasiums and Health Fitness Centers are not encompassed by this definition.

(155) STORMWATER BUFFER: A natural or vegetated area through which stormwater runoff flows in a diffuse manner so runoff does not become channeled, and which area provides the infiltration of the runoff and filtering of pollutants.

(156) STREAM BUFFER WIDTH: Viewed aerially, the stream buffer width is measured horizontally on a line perpendicular to the surface of water, landward from the top of the bank on each side of the stream, or landward from the state buffer limits for state waters. The additional buffer width is required in addition to the stream buffer requirements as defined by the Georgia Environmental Protection Division for state waters.

(157) STREET, ARTERIAL: A major road designed for continuous movement of all types of traffic but with less control over vehicular access than highways.

(158) STREET, COLLECTOR: A road allowing for vehicular access to lots, carrying traffic to and from local streets, and managing traffic having origin or destination in the immediate neighborhood.

(159) STREET, HALF: A street which does not meet the minimum right-of-way widths as set forth in this Ordinance.

(160) STREET, HIGHWAY: A multi-lane, limited access road designed for fast, continuous movement of all types of traffic with control over access to abutting property.

(161) STREET, LOCAL: A slow speed road, providing direct access to private lots, and carrying traffic having destination or origin on the street itself.

(162) STRUCTURE: Anything manmade constructed on the ground or attached to something on the ground.

(163) SUBDIVISION: Any division of land into two (2) or more lots, building sites or other divisions; provided, however, that the following are not included in this definition:

(a) the division into parcels of five (5) acres or more, if each resulting parcel has at least one hundred and fifty feet of frontage on an existing public road;

(b) the sale or exchange of land between owners of adjoining properties, provided that additional lots are not thereby created, and that the modified lots comply with this Ordinance and the Development Regulations.

(164) TERMINAL, MOTOR FREIGHT: A storage and distribution facility for the receipt, transfer, short-term storage, and dispatching of goods having more than five (5) heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time, excluding trucking accessory to another industrial use on the site.

(165) THEATERS: Use of property where motion pictures are played or where live performances (dramatic arts, theatre, music, dance, etc.) are conducted for indoor viewing by a public assembly.

(166) THEATERS, OUTDOOR: Use of property where motion pictures are played or where live performances (dramatic arts, theatre, music, dance, etc.) are conducted for outdoor viewing by a public assembly or individually from parked vehicles.

(167) TOWER: Any structure primarily for supporting one or more antennas, including without limitation self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

(168) TOWNHOUSE: One of a series of attached single-family dwelling units two to four stories in height as part of a single building, on adjoining lots, the units being separated by a wall or walls.

(169) TOXIC MATTER OR MATERIAL: Any substance (liquid, solid or gaseous) that, by reason of an inherent

deleterious property when emitted in any amount, is potentially injurious to plants, animals or human beings.

(170) TRUCK STOP/TRAVEL PLAZA: A mixed commercial use of property on one parcel providing facilities for the refueling, maintenance and/or servicing of heavy trucks and which may include related service facilities for such vehicles and their drivers, including but not limited to dispensing of motor fuels and petroleum products directly into motor vehicles, restaurants, lodging, shower and laundry facilities, truck service, overnight truck parking and/or storage, and a parking area of one (1) acre or more in association with the above services.

(171) TRUCKS, HEAVY: Heavy trucks are trucks, including truck tractors and similar vehicles, with two (2) or more rear axles.

(172) TRUCKS, LIGHT: Light trucks are trucks and similar vehicles with single rear axles and single rear wheels. A light truck is considered a passenger vehicle.

(173) TRUCKS, MEDIUM: Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the "heavy truck" category.

(174) URBAN REDEVELOPMENT DISTRICT: All that area defined in the Urban Redevelopment Plan for the City as adopted by ordinance by the Council on July 8, 2008.

(175) USE, ACCESSORY: A use of land or a building or portion thereof that:

(a) is subordinate in area, extent, and purpose to the principal use of the land or building;

(b) is located on the same lot as the principal use of the land or building, except as otherwise expressly authorized by this Ordinance; and,

(c) is customarily incidental to the principal use of the land or building. See also Section 1000.2.

(176) USE, CHARACTERISTICS OF: All incidents of use on the curtilage of a Parcel including but not limited features such as sidewalks, parking lots, landscape areas, buffers, street trees, lighting fixtures, etc.

(177) USE, CONDITIONAL: See Section 1425.

(178) USE, MIXED: An enterprise located in a single principal building that has more than one permitted use in combination where neither use constitutes an accessory use, that functions as a unified entity utilizing the same business license (e.g. drug store and lunch counter, auto parts retail and tire retail store), and that is operated in accordance with the provisions of an approved conditional use permit. See Section 435. Not to be confused with a planned center.

(179) USE, PRINCIPAL: The main purpose for which land or a building is used. Also referred to as the primary use.

(180) UTILITY: A public or private enterprise whose purpose is to provide energy, power, water, transportation, natural gas, sewage, communication, or other utility service to the general public.

(181) VARIANCE: A departure from this Ordinance relating to property dimensional requirements. See Section 1430.

(182) YARD: An open space at grade between the principal building or buildings and the nearest lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein; for measurement purposes, all parts of the principal building are included (i.e. eaves, steps, decks, covered porches and structural additions).

(183) YARD, FRONT: A yard extending the full width of the lot between the front lot line and the front of the principal building projected to the side lot lines. The depth of the yard shall be measured at right angles from the front lot line to the nearest point of the principal building. On lots having frontage on more than one (1) street, the minimum front yard shall be provided for each street.

(184) YARD, REAR: A yard extending the full width of the lot between the rear lot line and the rear of principal building projected to the side lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the primary entrance.

(185) YARD, SIDE: A yard between the side lot line and the side of the principal building extending from the front yard to the rear yard. If no front yard is required, the front boundary of the side yard shall be the front lot line. On corner lots, the side yard shall be adjacent to the street upon which the lot does not have a primary entrance.

ARTICLE III: ESTABLISHMENT OF DISTRICTS

Section 300 Districts.

The City is divided into the following zoning districts set forth in ***Table 1 – Districts*** below.

LAND USE CATEGORY	SHORT TITLE	DISTRICT NAME
RESIDENTIAL:		
	R1	Large Lot Residential District
	R1A	Medium Lot Residential District
	R2	Multi-Family, High Density Residential District
	MH	Manufactured Housing District
COMMERCIAL:		
	P	Professional / Office / Institutional District
	CBD	Downtown Commercial District
	B-1	Neighborhood Commercial District
	B-2	General Commercial District
	B-3	Highway Commercial District
INDUSTRIAL:		
	M-1	Light Industrial / Manufacturing District
OVERLAY:		
	HPO	Historic Preservation Overlay District
	CDO	Corridor Design Overlay District
	A-H	Airport Hazard Overlay District
	MHDO	Monroe and Walton Mills Historic Overlay District
	IOD	Infill Overlay District
PLANNED DEVELOPMENT:		
	PRD	Planned Residential District
	PPD	Planned Professional District
	PCD	Planned Commercial District
	PID	Planned Industrial District

Section 310 District Boundaries.

310.1 Incorporation of the Zoning Map. The boundaries of the above described districts are hereby established as shown on the map, entitled "Official Zoning Map, City of Monroe, Walton County, Georgia," adopted on March 12, 2019, by the Mayor and City Council of Monroe, Georgia, and certified by the City Clerk, as amended from time to time as called for herein in Section 310.2. This map shall be the Official Zoning Map of the City of Monroe and is hereby made a part of this Ordinance as if fully set forth herein. Said map is a public record and shall be kept on file at City Hall, 215 N Broad Street, Monroe, Georgia 30655, in the records of the City Clerk.

310.2 Map Amendment. If, in accordance with this Ordinance, changes are made to the Official Zoning Map, such changes shall be marked on the Official Zoning Map promptly after the amendment has been approved by the Council, together with an entry on the Official Zoning Map referring to the application on file which states the date of the official action and a brief description of the nature of the changes.

Section 320 Rules for Determining District Boundaries When Uncertainty Exists.

320.1 Boundaries Following Property Lines. Unless otherwise indicated, the district boundaries follow property lines, land lot lines, center lines of streets, highways, alleys, or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

320.2 Boundaries Parallel to Centerline of Streets. Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of the same, or the centerline of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

320.3 Boundaries Dividing Lots. Where a district boundary line as appearing on the Official Zoning Map divides a lot that is in single ownership at the time of the enactment of this Ordinance or any amendment thereto, the zoning district classification of the larger portion may be extended to the remainder by the Council pursuant to the zoning map amendment procedure set forth in this Ordinance.

320.4 Abandoned or Vacated Land. Where public land is vacated or abandoned by the Council, the regulations applicable to the property to which it reverted shall apply.

320.5 Determination of Boundary by Council. In a case where the exact location of a boundary cannot be determined by the above-described methods, the Council shall, upon application, determine the location of the boundary. The requirements of Article XIV shall govern.

320.6 Comprehensiveness of Zoning Districts. The purpose of these regulations and the accompanying map is to place all portions of Monroe into zoning districts. Should any area of land appear to be omitted from a zoning district classification, such area or areas are hereby placed in R1 (Large Lot Residential District) and are subject to all the regulations pertaining thereto until such time as the Planning Commission and the Council determine its proper zoning district classification pursuant to Section 1420.

Section 330 Procedures for Zoning of Property to Be Annexed.

330.1 Initiation of Zoning Procedures. The City of Monroe may begin the required procedures for rezoning of property to be annexed to the City as required in Section 1421 at any time on or after the date the notice of the proposed annexation is provided to the Walton County Board of Commissioners as required under O.C.G.A. Section 36-36-6.

330.2 Notice of Hearing. Section 1440 shall govern all hearings concerning property to be annexed into the City.

330.3 Hearing Required. The hearing required under Section 1445 for zoning map amendments shall be conducted prior to the annexation.

330.4 Effective Date. The zoning classification approved by the City shall become effective on the later of the date the zoning is approved by the City, or the date the annexation becomes effective pursuant to O.C.G.A. Section 36-36-2.

330.5 Fees. The established Fee Schedule shall set forth the fees and costs associated with annexation requests.

ARTICLE IV: APPLICATION OF REGULATIONS

Section 400 Use.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, remodeled, extended, constructed, reconstructed, moved or structurally altered except in conformity with this Ordinance, or amendments thereto.

Section 410 Reserved.

Section 420 Yards.

Except as hereinafter provided, no part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard, court, and other open space shall be unobstructed and open from its lowest point to the sky, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two feet into the yard area or open space requirements.

Section 430 One Principal Structure on a Lot.

Except as otherwise permitted by this Ordinance, only one (1) principal structure and its permitted customary accessory buildings may hereafter be erected on any lot.

Section 435 One Principal Use on a Lot.

Except as otherwise permitted by this Ordinance, only one (1) principal use and its accessory uses may hereafter be located on any lot. Mixed uses shall obtain a conditional use permit in accordance with Section 1425. With the exception of residential uses, the principal use of the lot must be registered as part of the occupation tax in accordance with the Code of Ordinances, as amended.

Section 440 Accessory Structures or Uses.

Accessory structures and uses are permitted in accordance with Section 1000.

Section 450 Building Permit Required.

No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except upon application for and issuance of a building permit by the Code Enforcement Officer. See Section 1405.

Section 455 Building Permit Issuance.

Except as otherwise provided, nothing herein shall require any change in the plans, construction, size, design, or use of any building, structure, or part thereof, for which a building permit has been legally issued prior to the adoption or amendment of this Ordinance, if construction shall start within six (6) months after the issuance of such building permit.

Section 460 Buildings to Abut Public Streets.

Each building shall be located on a lot or parcel that provides lot frontage onto a public street.

Section 470 Relocation of Building Requirements.

Except as otherwise provided, no existing building or other structure shall be relocated in the City except in conformity with this Ordinance. Such relocation requires a permit granted by the Code Enforcement Officer. Any such relocated building shall meet all applicable standards of building codes for new construction at the time of relocation.

ARTICLE V: GENERAL STANDARDS FOR ALL DISTRICTS

Section 500 Non-Conforming Buildings and Uses.

Within the districts established by this Ordinance or later amendments, there exist lots, uses, structures, and characteristics of use lawful before this Ordinance was passed or amended, but not in conformity with this Ordinance or future amendments. Non-conformities are declared by this Article to be incompatible with permitted uses in the districts involved.

(1) Intent. It is the intent of these regulations to permit these non-conformities to continue until they are removed or ceased, but not to encourage their survival. It is further the intent that non-conformities shall not be used as grounds for adding other uses, structures, or characteristics of uses prohibited elsewhere in the same district, and that non-conformities shall not be enlarged, expanded or extended in any manner except as herein provided.

(2) Avoidance of Undue Hardship. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit was issued as provided under Section 455 prior to the adoption of this Ordinance.

500.1 Non-Conforming Lots of Record.

(1) Single Non-Conforming Lots of Record. A single lot of record existing at the effective date of adoption or amendment of this Ordinance that does not meet requirements for area, width, or both may only be built on if:
   (a) yard dimensions and lot coverage requirements, except requirements for area, width, or both, conform to the applicable regulations;
   (b) variance for yard dimensions and lot coverage requirements are obtained in accordance with Section 1430;
   (c) such lot does not have continuous frontage with other lots in the same ownership; and
   (d) all other requirements of this Ordinance are met.

(2) Non-Conforming Lots of Record in Combination. If two (2) or more abutting lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, said lots shall be considered an undivided parcel for the purpose of these regulations. No portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by these regulations. Nor shall any division of any parcel be made which creates a lot with a width or area less than specified by the requirements stated in this Ordinance.

500.2 Non-Conforming Uses. Where, prior to adoption of this Ordinance or amendments thereto, a lawful use exists that would not be permitted by these regulations, such use may be continued so long as it remains otherwise lawful; however:

(1) no such use shall be changed to another non-conforming use;

(2) no such use shall be increased nor extended by acquiring more land area than was owned or leased at the effective date of adoption or amendment of this Ordinance;

(3) no such use shall be increased nor extended more than twenty-five (25%) percent greater gross floor area by addition to any building occupied by such uses at the effective date of adoption or amendment of this Ordinance or by construction of additional buildings;

(4) if any such use is abandoned, regardless of the intent to resume use by the one having the right to use the property, no non-conforming use may be resumed. It shall be prima facia evidence of abandonment for the owner and/or one having the right to use the property to:
   (a) discontinue the non-conforming use for more than six (6) months;
   (b) fail to obtain a new or renew an existing business license and remit the business occupation tax required by the Code of Ordinances for the non-conforming use; or,
   (c) fail to declare and remit the sales tax required by state law for the non-conforming use.

(5) nothing in this Section shall prevent the City of Monroe from considering a variance from these provisions in specific instances where such a variance would provide a necessary improvement for the welfare of the general public.

500.3 Non-Conforming Structures. Where prior to the adoption of this Ordinance or amendments thereto, a

lawfully constructed structure exists that would not be permitted by these regulations, such structure may remain and continue to be used so long as it remains otherwise lawful provided that:

(1) Non-residential Structures

(a) no such structure shall be increased or extended to occupy additional gross floor area than was occupied at the effective date of adoption or amendment of this Ordinance. Ordinary repairs, remodeling, repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing are allowed provided that the gross floor area is not increased;

(b) no such structure shall be altered to increase its nonconformity, but any structure may be altered to decrease its nonconformity. Any such alteration must comply with this Ordinance and must not in itself be nonconforming; and,

(c) should such a structure be hereafter damaged or destroyed by fire, explosion, windstorm, flooding, accident or calamity not caused by the owner or the one having the right to use the property, the owner may rebuild a structure having a gross floor area equal to or less than the destroyed structure. Any structure reconstructed by more than fifty percent (50%) of gross floor area must comply with this Ordinance and must not be itself non-conforming, with the exception of gross floor area;

(d) no such structure which has been legally condemned by the Code Enforcement Officer shall be used, altered or reconstructed except in accordance with the provisions of this Ordinance;

(e) should such structure be voluntarily moved for any reason for any distance whatever, it must then be altered to conform to the requirements of the district to which it is moved;

(f) when non-conforming, accessory structures shall be subject to the same provisions that govern the principal structure to which they are an accessory; and,

(g) nothing in this Section shall prevent the strengthening or restoring to a safe condition of any structure or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official.

(2) Residential Structures

(a) no such structure shall be altered to increase its nonconformity, but any structure may be altered to decrease its nonconformity. Any such alteration must comply with this Ordinance and must not in itself be nonconforming;

(b) ordinary repairs, remodeling, repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing are allowed provided that the footprint of the structure is not increased;

(c) should such a structure be hereafter damaged or destroyed by fire, explosion, windstorm, flooding, accident or calamity not caused by the owner of the property, the owner may rebuild a structure in the building footprint less than or equal to the destroyed structure. Any structure reconstructed to exceed the original footprint must comply with this Ordinance and must not be itself non-conforming;

(d) no such structure which has been legally condemned by the Code Enforcement Officer shall be used, altered or reconstructed except in accordance with the provisions of this Ordinance;

(e) should such structure be voluntarily moved for any reason for any distance whatever, it must then be altered to conform to the requirements of the district to which it is moved;

(f) when non-conforming, accessory structures shall be subject to the same provisions that govern the principal structure to which they are an accessory;

(g) nothing in this Section shall prevent the strengthening or restoring to a safe condition of any structure or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official; and

(h) nothing in this Section shall prevent the City of Monroe from considering a variance from these provisions in specific instances where such variance would provide a necessary improvement for the welfare of the general public.

500.4 Non-Conforming Characteristics of Use. Where prior to the adoption of this Ordinance or amendments thereto, a lawful Characteristic of Use exists that would not be permitted by these regulations, such Characteristic of Use may remain and continue to be used so long as it remains otherwise lawful provided that:

(1) ordinary maintenance, repairs and upkeep of such Characteristic of Use is properly maintained by the Owner or Occupant;

(2) no such Characteristic of Use shall be altered to increase its nonconformity, but any Characteristic of Use may be altered to decrease its nonconformity. Any such alteration must comply with this Ordinance and must not in itself be non-conforming.

(3) no such Characteristic of Use shall be increased nor extended more than twenty-five (25%) percent in land area than existed at the effective date of adoption or amendment of this Ordinance, nor by the construction of additional Characteristics of Use; and,
(4) nothing in this Section shall prevent the strengthening or restoring to a safe condition of any Characteristic of Use or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official; and,
(5) nothing in this Section shall prevent the City of Monroe from considering a variance from these provisions in specific instances where such variance would provide a necessary improvement for the welfare of the general public.
(6) for sign structures, replacement of a sign face on the property is an allowed alteration provided that either:
    (a) the non-conforming use or business was located upon the property at the effective date of adoption or amendment of this Ordinance, or
    (b) the non-conforming sign structure is utilized by two or more non-conforming uses(s) or businesses that were located upon the property at the effective date of adoption or amendment of this Ordinance.

Section 510 Control of Curb Cuts and Vision Clearance.

510.1 Curb Cuts.
(1) Dimensions. No curb cut shall exceed thirty (30) feet in width for two-way traffic and sixteen (16) feet for one-way traffic.
(2) Proximity. Curb cuts shall be no closer than twenty (20) feet to other curb cuts or closer than thirty (30) feet to any street intersection. All separations are measured at the radius return back of curb to the right-of-way line. Distances between curb cuts shall be measured from BOC (Back of Curb) to BOC at the radius return between the closest edges of the cuts.
(3) Frequency Per Lot. One (1) curb cut shall be allowed per one hundred and fifty (150) feet of frontage, up to three (3) cuts per single lot. Existing lots with less than one hundred and fifty (150) feet of frontage shall be allowed one (1) curb cut.
(4) Common or joint driveways serving multiple parcels are encouraged and may be approved administratively by the Code Enforcement Officer.

510.2 Vision Clearance. In all use districts except the pedestrian-oriented CBD, no obstruction to vision between two and one-half (2-1/2) feet and ten (10) feet from ground level shall be permitted within twenty (20) feet of the intersection of two (2) streets or railroad track, or of a street intersection with a railroad track.

Section 520 Off-Street Automobile Parking.

Within the City, off-street automobile parking space shall be provided on every lot on which any use is established in accordance with this Ordinance. No structure shall be hereafter erected nor any of the following uses established unless the minimum number of parking spaces specified below are provided.

520.1 Intent and Purpose. To progressively alleviate or prevent traffic congestion and shortages of on-street parking spaces; to ensure that adequate off-street parking and loading facilities are provided proportional to the needs of each land use; to ensure off-street parking and loading facilities will be efficient and safe, and protect surrounding land uses from adverse effects of parking areas; to encourage alternative and shared parking arrangements; and, to reduce large open expanses of empty parking lots along City streets.

520.2 General Requirements.
(1) Minimum Size of Off-Street Parking Space. A space at least nine (9) feet wide and twenty (20) feet long with a minimum net area of one hundred and eighty (180) square feet, excluding area for egress and ingress and maneuvering of vehicles.
(2) Off-Street Parking Space on Different Lot. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Code Enforcement Officer may permit such space to be provided on other off-street property, if such space lies within four hundred (400) feet of the property line of such principal use, and is under the exclusive control of the person responsible for the principal use. For the purpose of this subsection, “exclusive control” means ownership of such remote space or a lease of such space for no less than two (2) years. Such vehicle parking space shall not thereafter be reduced or

encroached upon in any manner.

(3) Provision of Parking Spaces for Separate Uses. The required number of parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to a use may not be assigned to another use at the same time. However, the portion of the lot required for a use whose peak attendance will be at night or on a particular day of the week may be assigned to a use which will be closed during said peak attendance times. The Code Enforcement Officer shall have the authority to modify the minimum parking space requirements under this Article when such uses propose appropriate alternative Shared Parking arrangements.

(4) No Reduction of Off-Street Parking Areas. Areas reserved for off-street parking shall not be reduced in area or changed to any other use unless the permitted use that it serves is discontinued or modified, and all requirements hereof continue to be met.

(5) Pre-Existing Parking. Off-street parking existing on the effective date of this Ordinance serving an existing building or use shall not be reduced to an amount less than required herein for a similar new building or use.

(6) Alteration of Existing Commercial Buildings. Any commercial building existing on the effective date of this Ordinance may be enlarged up to ten percent (10%) of gross commercial floor area without increasing existing off-street parking spaces.

(7) Change of Use. In the case of an existing structure changing use, off-street parking requirements applicable to the new use must be provided, unless a variance is obtained in accordance with Section 1430.

(8) Emergency Vehicles. Parking shall not obstruct Emergency Vehicles from access to buildings.

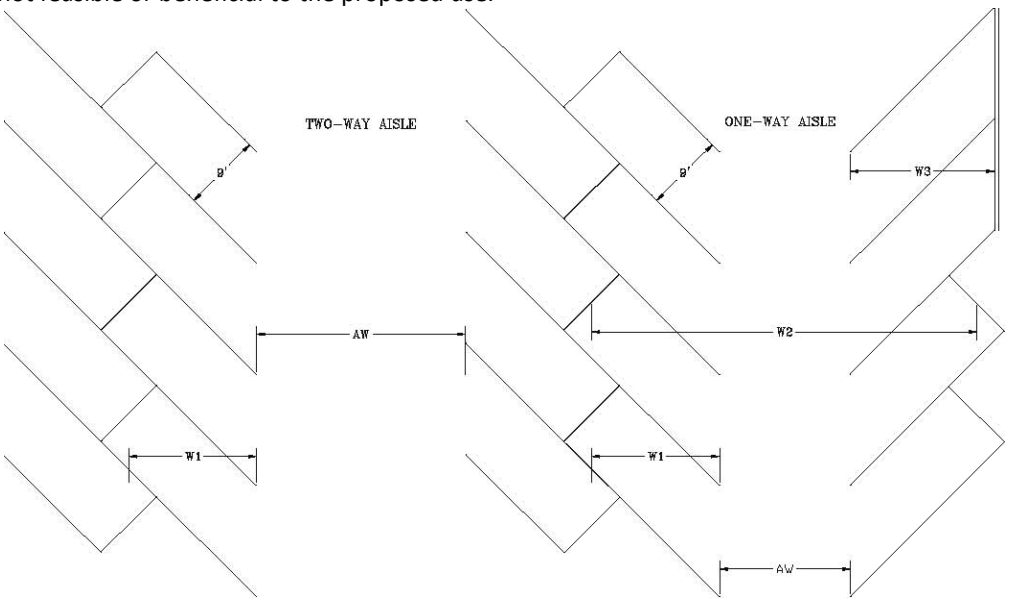
(9) Handicap Parking Access. Handicap Parking Access shall be provided as required by the Americans with Disabilities Act. The parking requirements for disabled individuals are defined in the *Federal Register, 28 CFR part 36, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; Final Rule dated July 26, 1991.*

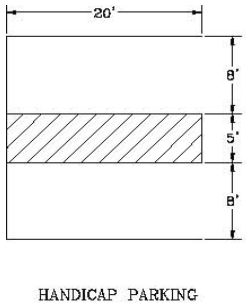
(10) Parking Space and Aisle Dimensions. The following diagrams specify the required space and aisle dimensions for the situation depicted. Alternate configurations in conformity with the spirit of these regulations may be authorized by the Code Enforcement Officer.

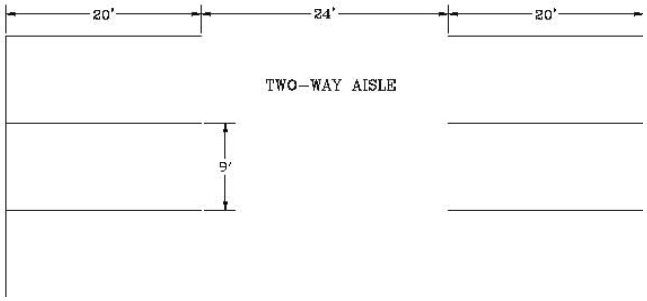
(11) Central Business District Exemption. Because of the pedestrian nature and emphasis upon the downtown area, the presence of ample on-street and public lot parking, and the allowance of commercial garages within the district, new buildings and uses within the CBD with the exceptions itemized herein are exempt from the requirements of Section 520.3; however, if parking is provided, all the provisions of Section 520.4 must be met.

(12) Shared parking arrangements are encouraged and may be approved administratively by the Code Enforcement Officer to satisfy up to 35% of the required parking facilities under Section 520.3.

(13) On-street parking is encouraged in all areas of the City and may be permitted upon approval by the Code Enforcement Officer and the Director of the Street Department in unique circumstances when off-street parking in not feasible or beneficial to the proposed use.







Section 520: Table 2 – Parking Stall and Isle Dimensions

PARKING ANGLE	W1	W2	W3	AW
45 degrees	14.5'	44.0'	16.5'	15
60 degrees	16.5'	51.0'	18.0'	18
75 degrees	17.5	57.0'	18.5'	22

520.3. Parking Space Requirements for All Districts. Off-street automobile storage or parking spaces shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth in this Section. Any specific land use not itemized in the table below shall meet the parking space requirements set forth for professional offices, except where such requirement is deemed inadequate by the Code Enforcement Officer.

Section 520: Table 3 – Parking Space Requirements for All Zoning Districts

LAND USE CATEGORY	PARKING SPACES—MINIMUM REQUIRED NUMBER (Whichever calculation yields the GREATER parking requirement shall be the required MINIMUM)
RESIDENTIAL: Single family dwelling Two family dwelling	Unless otherwise specifically provided for, residential land uses shall provide a minimum of: 2 spaces per dwelling unit
Accessory dwelling, Accessory apartment	1 space per accessory dwelling or apartment
Bed & breakfasts, Child-care home, Personal care home	In addition to single-family dwelling requirements, 1 space per guest room **OR** 1 space per 4 care recipients
Multi-family dwelling	1 ½ spaces per dwelling unit
COMMERCIAL: *	Unless otherwise specifically provided for, commercial land uses shall provide a minimum of: 1 space for each full-time employee **OR** 3 spaces per 1000 sq. ft. of gross floor area **OR** 3 spaces per 1000 sq. ft. for lodging
places of public assembly, including but not limited to: churches and places of worship, community center, conference or convention hall, courtroom or meeting facility, funeral and internment establishments, theaters-indoor	1 space for each full-time employee **AND** 1 space per 6 persons of occupancy as noted on the Certificate of Occupancy of the primary assembly room of the facility
Community associations/clubs, country clubs, Health clubs and/or fitness center	1 space per 6 active members

educational facilities/ schools, child-care center, pre-school/after-school programs	1 space per 6 seats in the main assembly hall **OR** 1 space for each employee **AND** 1 space per 6 student occupancy
financial institutions, government offices, professional offices	1 space per 400 sq. ft. of ground floor area **AND** 1 space per 500 sq. ft. of upper floor areas **AND** 1 space per commercial/government vehicle
health facilities, except group personal care homes	1 space per 4 beds **AND** 1 space per 2 employees
Libraries and museums	1 space per 500 sq. ft. of gross floor area
lodging:	1 space per guest room **AND** 1 space per 5 full–time employees
Recreational facilities: Except campgrounds, RV parks and Country clubs	1 space per 1,000 sq. ft. of floor area **OR** 1 space per 2,000 sq. ft. of lot area
Restaurants	1 space per 5 seats provided for patron use **AND** 1 space per 600 sq. ft. of gross floor area
retail establishments	1 space for each full-time employee **AND** 1 space per 500 sq. ft. of gross floor area
INDUSTRIAL:	unless otherwise specifically provided for, industrial land uses shall provide a minimum of:
industrial/manufacturing establishments **wholesale establishments**	1 space per 3 employees on the maximum work shift **AND** 1 space per commercial/company vehicle operating from the premises

*For the purposes of this table, the term commercial incorporates professional, office and institutional uses.

The total number of permitted parking spaces shall not exceed 120% of the minimum number of off-street parking spaces required herein in Table 3, unless a Variance for the same is obtained pursuant to Section 1430. Alternative pervious surface parking and shared parking arrangements shall be utilized to the fullest extent possible prior to any Variances being granted for excessive parking spaces.

520.4 Site Requirements. All off-street parking except for single-family, two-family structures and apartment houses shall meet the following requirements:

(1) Surfacing of Parking Areas. All such parking shall be hard surfaces with concrete or plant bituminous material and shall be maintained in a dust-proof condition. A good stand of grass or landscaped bedding shall be maintained on the remainder of the lot. Industry-accepted, high quality alternative pervious parking surfaces may be utilized upon approval by the Code Enforcement Officer.

(2) Drainage. The parking area shall be adequately drained.

(3) Parking Areas Inside Residential Districts or Within Ten (10) Feet From Residential Districts. Along edges of parking areas inside residential districts or within ten (10) feet from residential districts, a dense planting of trees and shrubs shall be established on a strip of land not less than ten (10) feet in width. Such planting shall be not less than six (6) feet in height. A substantial bumper rail of wood, metal, or concrete shall be installed on the edge of the planting strip.

(4) Raised Curb. A raised curb between six (6) and twelve (12) inches is required along all property lines, except for driveway openings and lot lines abutting residential districts.

(5) Visibility. No sign shall be placed within the public right-of-way. Signs and planting strips shall be arranged so they do not obstruct visibility for drivers or pedestrians.

(6) Landscaping. For parking areas with ten (10) or more parking spaces, at least fifteen percent (15%) of the interior of the parking area shall be permanently landscaped with curbed end-of-row planters, curbed planting strips, and other structures and mechanisms approved by the Code Enforcement Officer, in addition to screening buffers as required in Section 550. Landscaping may consist of trees, shrubs, flowers, or other ornamental plants. All landscaped areas shall be regularly maintained. Any dead or dying trees or plants shall be replaced within one (1) month of death or noticeable decay.

(7) Marking of Parking Spaces. Required parking spaces shall be permanently marked, except in single and two-family residences.

(8) Parking Space Design. To the extent possible, no off-street parking space shall be constructed so as to require the backing of vehicles into a public street.

(9) Front Loading of Parking Spaces. The location of parking spaces between the front façade of the principal building and the public street is discouraged. All reasonable efforts should be made to locate the majority of parking facilities in the side and rear yards of lots. Where necessary, minimal parking may be permitted in the front yard.

(10) All parking facilities shall have sidewalks a minimum width of five feet connecting ground level parking to the public right of way sidewalks and all building entrances.

520.5 Small Parking Lots. Within the City, off-street Small Parking Lots shall be developed in accordance with this Section and all remaining sections of Article V.

(1) Intent and Purpose. To allow flexibility and sensitivity in developing small parking lots or adding parking spaces to existing parking facilities where the total number of automobile parking spaces does not exceed twenty (20) spaces.

(2) General Requirements for Graveled Parking Areas. Small parking lots accommodating up to ten (10) automobiles shall be allowed to be constructed with a graveled surface. The maximum number of existing and added automobile parking spaces shall not exceed ten (10) spaces. Concrete curb and gutters shall not be required for such parking lots, unless, for reasons of stormwater runoff management, erosion control, and possible impact minimization to abutting rights of way and properties it is deemed necessary. All parking lot setbacks, lot coverage, landscaping requirements shall be met as required by this Ordinance and the Development Regulations for all Zoning Districts.

(a) Constructability of Graveled Surfaces. Positive drainage and proper BMPs shall be required for all graveled parking areas. The soil subgrade shall be graded, compacted, and constructed to meet the minimum construction requirements specified for Graveled Parking Areas.

(b) Special Conditions. The City shall have the right to negate the issuance of a permit or require additional information and improvements such as curb and gutter, paving, drainage structures, specialized BMPs if it is found in the opinion of the Code Enforcement Officer that such development would create potential hazard and negative impact to the Public and adjacent properties.

(c) Material used must minimize dust production.

(3) General Requirements for Paved Parking Areas. Small parking lots accommodating more than ten (10) but not greater than twenty (20) automobiles shall be paved with asphalt or concrete. The maximum number of existing and added automobile parking spaces shall not exceed twenty (20) spaces. Concrete curb and gutters shall not be required for such parking lots, unless for reasons of stormwater runoff management, erosion control, and possible impact minimization to abutting rights of way and properties it is deemed necessary. All parking lot setbacks, lot coverage, landscaping requirements shall be met as required by this Ordinance and the Development Regulations for all Zoning Districts.

(a) Constructability of Paved Surfaces. Positive drainage and proper BMPs shall be required for all paved parking areas. The soil subgrade shall be graded, compacted, and constructed to meet the minimum construction requirements specified for Small Paved Parking Areas.

(b) Special Conditions. The City shall have the right to negate the issuance of a permit or require additional information and improvements such as drainage structures and specialized BMPs if it is found in the opinion of the Code Enforcement Officer that such development would create potential hazard and negative impact to the Public and adjacent properties.

Section 530 Off-Street Loading and Unloading Space.

On every lot on which a commercial or industrial use is hereafter established, off-street loading and unloading spaces shall be provided as follows:

(1) Size of Off-Street Loading Spaces. Each off-street loading space shall have minimum dimensions of fourteen (14) feet in clearance height, twelve (12) feet in width, and fifty-five (55) feet in length.

(2) Connection to Street or Alley. Each required off-street loading space shall have direct access to a street or alley or have a driveway that offers satisfactory access for trucks.

(3) Floor Area Over 10,000 Square Feet. For each building requiring the receipt or distribution of materials or merchandise with a floor area of more than 10,000 square feet, there is required at least one (1) off-street loading space for every 40,000 square feet of floor space or fraction thereof. Such space shall be located so

as not to hinder the free movement of pedestrians and vehicles.

(4) Floor Area Less Than 10,000 Square Feet. For each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, there shall be at least one (1) off-street loading space, which may be shared by an adjacent establishment. Such loading space shall be located in a manner that will not hinder the free movement of pedestrians and vehicles.

(5) Location of Off-Street Loading Spaces. All required off-street loading spaces shall be located on the same premises as the use said spaces are intended to serve, or on an adjacent lot if the use is shared with said adjacent lot.

(6) Permanent Dedication. Areas dedicated for off-street loading shall not be reduced in area or changed to any other use unless the use served is discontinued or modified, unless equivalent loading space is provided and approved by the Code Enforcement Officer.

(7) Emergency Vehicles. Occupied loading and unloading spaces shall not obstruct Emergency Vehicles from access to buildings.

Section 540 Off-Street Storage and Parking of Vehicles and Equipment.

Recreational vehicles (RV), motor homes, commercial vehicles, all-terrain vehicles and off-road vehicles, boats, heavy equipment, and trailers of all types, including without limitation travel, boat, camping, and hauling trailers, shall not be parked or stored on any lot occupied by a dwelling or in any residential district except in accordance with the following requirements:

540.1 Commercial Vehicles. The storage and parking of commercial vehicles is governed by the following:

(1) Residential Districts.
   - (a) no commercial vehicle with gross vehicle weight (GVW) exceeding 11,000 lbs. shall be parked or stored in the R1, R1A, R2, or MH zoning district or planned residential development districts (PRD);
   - (b) one (1) commercial vehicle not exceeding 11,000 GVW is permitted per dwelling unit in the above districts;
   - (c) no vehicle used for hauling explosives, gasoline, or liquefied petroleum products is permitted; and,
   - (d) no commercial vehicle is allowed to park overnight on the street in a residential district.

(2) Non-Residential Districts. In non-residential districts, one (1) commercial vehicle per 10,000 sq. ft. of gross floor area of the principal building shall be permitted. Four (4) additional commercial vehicles are permitted provided that an off-street parking space for each vehicle is provided and dedicated to its use only; said parking shall be located in the rear yard only. No commercial vehicles used for hauling explosives, gasoline, or liquefied petroleum products are permitted to be regularly parked in the City.

540.2 Recreational Vehicles, Trailers. Recreational vehicles (RV), trailers, motor homes, all-terrain vehicles (ATV), off-road vehicles (OTV), boats, and heavy equipment are prohibited from being parked or stored more than 48 consecutive hours in any front or side yard in any district. A recreational vehicle or motor home shall not be occupied for more than fourteen (14) days or permanently while it is parked or stored in any area.

540.3 Inoperable Vehicles. No inoperable vehicle shall be permitted in any residential district for more than fourteen (14) days unless it is in an enclosed garage. In all residential districts all repairs shall be conducted in an enclosed garage.

Section 550 Screening, Buffering, and Landscaping.

All required screens, buffers, and landscape areas require plan review and approval by the Code Enforcement Officer prior to installation. A landscape plan, including a plant schedule, shall be submitted for plan review. Amendments or modifications may be submitted for review as necessary and require approval prior to installation.

550.1 Objectives. Screens, buffer and landscape requirements shall be implemented as required and shall address the following objectives:

(1) eliminate or minimize conflicts between land uses;

(2) shield or obstruct public visibility of objectionable views, incompatibilities or nuisances, including but not

limited to parking areas, loading/unloading areas, parking and storage of vehicles and equipment, service areas, refuse containers, mechanical systems, transformers and outdoor storage;
(3) minimization of glare and noise;
(4) control or direction of vehicular and pedestrian movement;
(5) enhancement of aesthetic appeal;
(6) amelioration of air quality and water runoff problems; and
(7) establishment of privacy.

550.2 Required Screening. Any reference to screening requires a dedicated and undisturbed opaque barrier, such as fences, walls, berms, vegetation, or any combination thereof.
(1) Fences or walls creating a solid visual barrier shall be a minimum of six (6) feet in height and as approved by the Code Enforcement Officer.
(2) Berms, individually or in combination with another type of screening, shall be 1) utilized when consistent with surrounding property features; 2) stabilized, 3) where possible, constructed to be consistent with natural or proposed drainage patterns, and 4) regularly maintained by the property owner.
(3) Vegetation shall be a tight evergreen hedge or mixture of evergreen trees and shrubs, providing a one hundred percent (100%) visual barrier to a height of six (6) feet within two (2) years of planting.
(4) Except as otherwise provided in this Ordinance, any operation conducted outside of a building, including without limitation, drive-in business, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, in a non-residential district or as part of a non-residential use shall be enclosed by screening to conceal such areas or facilities from any abutting residential district or use.

550.3 Required Buffering. Any reference to buffering requires a dedicated and undisturbed land area at least ten (10) feet wide, except as otherwise specifically noted herein, with either existing or planted vegetation, or combination thereof, in accordance with the following standards:
(1) Vegetation shall be a tight evergreen hedge or mixture of evergreen trees and shrubs, providing a one hundred percent (100%) visual barrier to a height of six (6) feet within two (2) years of planting, except as otherwise provide or where immediate public safety concerns dictate otherwise.
(2) Trees included in the buffer may be counted toward any required site density calculations for minimum tree plantings.
(3) Buffer requirements may be included in area and yard requirement calculations.

550.4 Required Landscaping. Any reference to landscaping requires a dedicated and undisturbed land area at least ten (10) feet wide, except as otherwise specifically noted herein, in accordance with the following standards:
(1) Vegetation shall be a mixture of evergreen and deciduous trees and shrubs.
(2) Trees included in the landscape area may be counted toward the required site density calculations. See requirements related to vegetation and trees in Chapter 42 of the Code of Ordinances.
(3) A thoroughfare landscape area shall abut the right-of-way of all highways, arterials, collectors, and roads within the city limits, including local streets. This thoroughfare landscape shall be a minimum of twenty-five (25) feet in width, with a minimum of one (1) overstory tree per every linear twenty-five (25) foot. Berms, hedges, and/or shrubs are required to visually mitigate when a parking area or pavement abuts the thoroughfare landscape. A thoroughfare landscape area may be crossed by access curb cuts, in accordance with Section 510. This thoroughfare landscape area may be reduced or relocated to another area of the Property administratively by the Code Enforcement Officer in circumstances where building placement requires such (e.g. zero setback building placement in the Downtown Development Area District).

550.5 Vegetation. Vegetation (also referred to as plants, plant material, plantings) for screening, buffering and landscaping requirements shall be approved and reviewed by the Code Enforcement Officer.
(1) Artificial Plant Material. No artificial plants shall be installed or used to meet screening, buffering, or landscaping requirements.
(2) Grass Areas. Grass areas located in the front yard should be sod. Sprigging or seeding may be reviewed and approved by the Code Enforcement Officer, provided that the grass variety is suitable to the area and produces complete coverage within four (4) months of planting.
(3) Species/Varieties. Native plant material is preferred for hardiness and water requirements.
(4) Plant Size. Overstory trees, also referred to as canopy trees, shall be a minimum of 2.5 caliper inches (measured three (3) feet above ground) and between ten (10) and twelve (12) feet in height at installation; understory trees shall be a minimum of 1.5 caliper inches (measured three (3) feet above ground) and

between six (6) and eight (8) feet in height at installation. Shrubs shall be a minimum size of a three (3) gallon container at installation.

(5) Installation. At installation, vegetation shall be free from injury, pests, disease, nutritional disorders or root defects and be in good vigor to assure a reasonable expectation of survival. Proposed vegetation and irrigation, where required, shall be installed in accordance with the approved plan. Installation must be completed within twelve (12) months, except where the Code Enforcement Officer grants an extension for installation to occur during the next appropriate planting season.

(6) Agreement and Bonding. For all uses developed after the effective date of this Ordinance, except single-family and two-family residential uses, the developer or owner shall post a performance bond, letter of credit, or cash escrow guaranteeing all vegetation and landscaping work for a period of two (2) years after installation in an amount established by the Code Enforcement Officer. The bond, letter of credit or escrowed funds shall be in an amount equal to fifty percent (50%) of the estimated cost of replacing all of the required vegetation, including installation costs. At the end of two (2) years, the City of Monroe shall make an inspection and notify developer or owner and the bond company of any corrections to be made.

(7) Maintenance. The owner, occupant, tenant and respective agent of each, if any, shall be jointly and severally responsible for all vegetation located on the property, except single-family and two-family residential uses.

(a) Vegetation shall be maintained to promote natural shape and healthy growth, meaning pruned regularly.

(b) Approved screens, buffers, and landscape areas shall be maintained free of weeds, meaning any plant material not on the approved landscape plan, as approved or amended. Areas containing grass, as approved on the landscape plan, shall be regularly cut to maintain an attractive and pest free site; grass areas reaching a height of more than eight (8) inches or weeds within screens, buffers, and landscape areas shall be considered a violation of required maintenance and shall also be evaluated as a potential public nuisance.

(c) Diseased and dead plant materials shall be replaced in accordance with the approved plan within thirty (30) days after written notice from the Code Enforcement Officer, except where the Code Enforcement Officer grants an extension for installation to occur during the next appropriate planting season.

(d) For all uses after the effective date of this Ordinance, except single-family and two-family residential uses, the owner, occupant, or agent of the new use shall maintain all vegetation installed in accordance with an approved landscape plan.

(8) All Lots. All areas of lots not subject to an approved landscape plan, excluding single family and two family residential uses shall be sustained with a good stand of grass, appropriate mulching or reasonable natural ground cover.

Section 560 Illumination.

All outdoor lighting shall be directed away from property lines.

Section 570 Lot Coverage.

In an effort to maintain the rural character of the City of Monroe and to help protect the environment against the effects of erosion and sedimentation, and to maintain the benefits derived from watershed areas and groundwater recharge areas and from unique characteristics such as an established tree canopy, civic greenspaces, and landscaping enhancements, it is hereby determined that the maximum impervious lot coverage shall be 60% of the total site area in all zoning districts except the geographically small area of the City designated as CBD Downtown Commercial. Recognizing that redevelopment of existing properties offers unique challenges to site planning, particularly for smaller sites, alternative methods to address lot coverage are permissible for existing sites as outlined below with no more that 60% under any circumstance.

570.1 New Development Projects: Lot coverage by impervious surfaces shall not exceed sixty percent (60%) in all zoning districts except CBD Downtown Commercial. In the CBD zoning district zero lot lines are permitted to continue the existing building pattern. To encourage traditional zero lot line construction, there is no restriction on lot coverage for sites in the CBD zoning district.

570.2 Expansion Projects

(1) Definition. An expansion project is defined as any project in which the existing structure is increased by no

more than 50% of its existing ground floor area of that which exists at the time of this Ordinance *or* the total impervious area is not increased by more than 50% of that which exists at the time of this Ordinance. Any increase above 50% shall be treated as a new development project and the site shall be designed with no more than 60% impervious area.

(2) Application of Guidelines. Expansion projects shall in no circumstance increase the overall lot coverage area greater than 75% impervious surface area.

570.3 Redevelopment Projects

(1) Definition. A redevelopment is defined as any project in which an existing building or structure is demolished by more than 50% or total area of impervious surface is reduced by 50% or more.

(2) Application of Guidelines. Due to their lesser impact as a result of smaller size lots less than 3 acres in total area may be redeveloped with a maximum impervious surface area of 75% of the total lot area.

570.4 Alternatives to and Mitigation of Impervious Surfaces. The Code Enforcement Officer shall establish a list of recommended alternatives to impervious surfaces and shall make the same available upon request. Additionally, the Code Enforcement Officer shall establish a list of recommended mitigating products and practices to alleviate excessive lot coverage impact. No request for a Variance to the provisions of this Section shall be considered by the Mayor and Council pursuant to Section 1430 until the Code Enforcement Officer has certified that all reasonable efforts have been taken by the Owner or Occupant to utilize alternative pervious surface products. Further, any grant of a Variance to the maximum lot coverage requirements under this Section must include utilization of proper mitigation products and practices on the subject lot as recommended by the Code Enforcement Officer.

ARTICLE VI: USE PROVISIONS BY DISTRICT

Section 600 General.

This Article is established to ensure that each district is developed for its intended use. It is the intent of this Article to promote stability and a consistent pattern of land development and to promote the use of land consistent with the best interests of the residents of Monroe.

600.1 Use Prohibited When not Specified. Any use not specifically named in a district shall be prohibited, unless application is made and permission granted for a text amendment under Section 1420.

Section 610 Residential Districts: R1, R1A, R2 and MH (formerly R3).

The residential zoning districts include: Large Lot Residential District (R1), Medium Lot Residential District (R1A), Multi-Family, High Density Residential District (R2), and Manufactured Housing District (MH) (formerly R3).

610.1 General Provisions. In these residential zoning districts, no building shall be erected, remodeled, extended, constructed, reconstructed, moved, or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter.

610.2 Specific Intent and Purpose.

(1) In addition to the general purposes listed in Section 110, the specific purposes of these zoning districts are to:
   - (a) provide appropriately located areas for a range of residential uses, and agricultural uses that are compatible therewith;
   - (b) strengthen the city's economic base, protect residential investments, and promote the sustained stability of residential areas;
   - (c) encourage an orderly and coordinated residential growth pattern to ensure adequate and efficient provision of public services;
   - (d) create suitable environments for various types of residential uses and compatible accessory uses, and protect them from the adverse effects of inharmonious uses;
   - (e) minimize the impact of commercial and industrial development on adjacent residential districts;
   - (f) establish dimensional requirements for residential development and supplementary standards for specific uses in residential areas;
   - (g) ensure that the appearance and effects of residential buildings and uses are harmonious with the character of the area in which they are located;
   - (h) ensure the provision of limited off-street parking, loading and storage facilities, the reservation of ample yard, court, and other open space and the provision of adequate screening, buffering, and landscaping; and,
   - (i) provide sites for compatible public uses which complement residential development.

(2) The unique specific purposes of each residential zoning district are as follows:
   - (a) *Large Lot Residential District (R1).*
     To provide for areas of low density, detached, single-family residential uses; to reinforce the traditional residential development pattern predominant within the original city limits along primary and secondary corridors characteristic of the city's earliest platting of streets and regular blocks; to recognize and protect regular city blocks with large lots, street grid based, and highly pedestrian character of the historic areas of the city; to permit compatible accessory and conditional use of institutional and public buildings and uses which normally complement a balanced and attractive residential area; and, to stabilize and protect owner-occupied housing and encourage a suitable environment for family life.
   - (b) *Medium Lot Residential District (R1A).*
     To provide for areas of medium density, detached, single-family residential uses; to recognize and protect the moderate lot size, street grid based and highly pedestrian character of the city's turn-of-the-century neighborhoods and subdivisions; to reinforce the traditional residential development pattern characteristic of the historic areas of the city; to permit compatible accessory uses which

normally complement balanced and attractive residential uses; to stabilize and protect owner-occupied housing and encourage a suitable environment for family life; and, to protect moderate density, single family residential areas from encroachment of higher density residential and incompatible non-residential uses.

(c) *Multi-family, High Density Residential District (R2).*
To provide for areas of very high density, attached single-family uses with the allowance of a mixture of two-family dwellings and multi-family residential dwellings; to allow more dense residential development designed to take advantage of the economy and convenience afforded by condensed development patterns through the reduction of lot size and the congregation of site amenities (open space, recreational facilities, community center, etc.); to reinforce the traditional residential development pattern characteristic of the city's modern neighborhoods and subdivisions; to permit compatible accessory uses which normally complement a balanced and attractive residential area; to encourage and protect quality multi-family development and provide an alternative to detached single-family development; to ensure ample provision of open space and access to light and air; to establish a transitional area to buffer low and medium density residential areas from non-residential areas; and to protect high density residential areas from encroachment of incompatible non-residential uses.

(d) *Manufactured Housing District (MH).*
To provide for areas of high density, and areas for manufactured home parks; to reinforce the traditional residential development pattern characteristic of the city's modern neighborhoods and subdivisions; and to encourage and protect quality multi-family development and provide an alternative to detached single-family development; to allow more dense residential development designed to take advantage of the economy and convenience afforded by condensed development patterns through the reduction of lot size, congregation of site amenities (open space, recreational facilities, community center, etc.), and non site-built residential uses; to permit compatible accessory uses which normally complement a balanced and attractive residential area; to foster shared amenities; to ensure ample provision of open space and access to light air; to establish a transitional area to buffer low and medium density residential areas from non-residential areas; and to protect high density residential areas from encroachment of incompatible non-residential uses.

610.3 Residential Land Use Regulations (R1, R1A, MH, R2). The residential zoning districts referenced below correspond to the districts listed in Section 610 and intent statements as found in Section 610.2 above. In **Table 6 - Residential Zoning District Land Use Regulations**, the letter "P" designates use classifications permitted in residential zoning districts. The letter "C" designates use classifications allowed by approval of a conditional use permit, see Section 1425. The letter "X" designates use classifications prohibited. References listed under "See Section" reference additional regulations located elsewhere in this Ordinance or the Code of Ordinances. For further definition of the listed uses, see Article II. For the chart of dimensional requirements and exceptions, see Article VII.

Section 610.3 Table 6 – Residential Zoning District Land Use Regulations
[P] = permitted; [X] = prohibited; [C] = conditional use permit required

LAND USE CATEGORY					
Principal Use (unless noted as an accessory use)	***R1***	***R1A***	***MH***	***R2***	***See Section or Note***
RESIDENTIAL:					
accessory dwelling	P	P	X	X	§ 1000.8
apartment buildings	X	X	X	P	
apartment houses	X	X	X	P	
single-family dwellings, detached	P	P	X	P	
single-family dwellings, attached	X	C	X	P	
two-family dwellings/duplexes	X	X	X	P	
manufactured home, parks	X	X	P	X	Note (1) & § 1045
manufactured home, individual	P	P	P	P	Note (1) & § 1040
townhouses	X	C	X	P	
Accessory building and uses					
accessory dwelling units	C	C	X	X	§ 1000.8
bed and breakfasts	C	C	X	C	Code § 22: 146-255
home occupations					§ 1000.3
home office	P	P	P	P	
residential business	C	C	C	C	
home swimming pools	P	P	P	P	§ 1000.4
structures – general	P	P	P	P	Note (1)& § 1000.1
temporary structures	P	P	P	P	
uses – general	P	P	P	P	§ 1000.9 Note (1) § 1000.2
AGRICULTURAL:					
animals – horses and stables	C	C	C	C	Note (2)
animals – household pets	P	P	P	P	Note (7)
animals – cows, sheep, goats, chickens	C	C	C	C	Note (3)
farming, general practice	X	X	X	X	Note (4)
greenhouses and plant nursery, wholesale	X	X	X	X	
game preserves and/or sanctuaries	X	X	X	X	
nut/fruit tree harvesting	X	X	X	X	
produce stands	C	C	C	C	Note (5)
Amusements and Entertainment					
adult entertainment establishment	X	X	X	X	
archery range or firing range	X	X	X	X	
game center	X	X	X	X	
miniature golf, outdoor	X	X	X	X	
play centers, skating rink, bowling alley	X	X	X	X	
theaters	X	X	X	X	
theaters, outdoor	X	C	C	C	
Animal facilities and services					
pet cemeteries	X	X	X	X	
Child-care facilities					
child-care, homes	C	C	C	C	
child-care, centers	C	C	C	C	

Church					
administrative offices	P	P	P	P	
community church	P	P	P	P	
megachurch	P	P	P	P	
neighborhood church	P	P	P	P	
Educational facilities					
schools – public, private, parochial	C	C	C	C	
school programs - day-, pre-, post-	C	C	C	C	
Funeral and interment establishments					
cemeteries and memorial cemeteries	X	X	X	X	
Healthcare facilities					
personal care homes, family	X	C	X	C	
Parks and Recreation					
campgrounds	X	X	C	C	
health/fitness center	X	C	C	C	
gymnasium	X	C	C	C	
neighborhood activity center – accessory use	C	C	C	C	
parks, active	C	C	C	C	
parks, passive	P	P	P	P	
Public and semi-public buildings					
community center	C	C	P	P	
historic sites	C	C	C	C	
museums	X	C	C	C	
Utility structures and substations	P	P	P	P	Note (6)

(1) Service and auxiliary buildings located and specifically designed to service only the residents of one (1) manufactured home park, as specified herein, not to include repair facilities of any type. Permitted buildings shall be limited to the following uses:
   (a) manufactured home park management office,
   (b) storage for maintenance tools, equipment, and supplies,
   (c) residence for a park watchman, caretaker, owner or manager,
   (d) recreation, community and laundry facilities for the exclusive use of the manufactured home park community.

(2) As an accessory use, one (1) horse per acre of fenced area on the same lot as the principal dwelling, not to exceed a
maximum of four (4) horses per lot; one (1) stable having no more than four (4) stalls, with no stall exceeding two hundred (200) square feet in area. Stables are considered accessory buildings and shall meet Section 1000.1 standards.

(3) As an accessory use, non-commercial keeping of these animals provided that the lot must be a minimum of two (2) acres with no more than: one (1) cow per four (4) acres, one (1) sheep or goat per acre, and three (3) chickens per acre.

(4) Includes crop production on the premises, as well as commercial livestock/poultry farms, fur farms, and kennels/cattery.

(5) Selling only products grown or produced on site in hobby gardening or farming. Commercial growing prohibited.

(6) Unmanned utility structures and substations, excluding towers, provided that such structures are screened in accordance with Section 550. No on-site storage of equipment is permitted.

(7) Dogs:

On any residential property equal to or less than one (1) acre, or for any dwelling unit in a multifamily development (e.g. apartment, condominium, townhome, mobile home park, duplex or similar), it shall be unlawful to possess or keep more than three (3) dogs. On any residential property larger than one (1) acre but equal to or less than two (2) acres, it shall be unlawful to possess or keep more than six (6) dogs. On any

residential property larger than two (2) acres, there shall be no restriction on the number of dogs allowed to be possessed or kept provided all other applicable zoning provisions are obeyed. However, any such property that contains more than six (6) dogs shall be required to maintain those animals in an enclosure at least one hundred (100) feet from the nearest property line.

Cats:
On any residential property equal to or less than one (1) acre, or for any dwelling unit in a multifamily development (e.g. apartment, condominium, townhome, mobile home park, duplex or similar), it shall be unlawful to possess or keep more than three(3) cats. On any residential property larger than one (1) acre but equal to or less than two (2) acres, it shall be unlawful to possess or keep more than six (6) cats. On any residential property larger than two (2) acres, there shall be no restriction on the number of cats allowed to be possessed or kept provided all other applicable zoning provisions are obeyed.

Litters of animals shall be exempt from the provisions herein for up to six (6) months from the date of birth.

Section 620 Commercial Districts: P, CBD, B-1, B-2, B-3.

The commercial zoning districts include: Professional / Office / Institutional District (P), Downtown Commercial District (CBD), Neighborhood Commercial District (B-1), General Commercial District (B-2), and Highway Business District (B-3).

620.1 General Provisions. In these commercial zoning districts, no building shall be erected, remodeled, extended, constructed, reconstructed, moved, or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter.

620.2 Specific Intent and Purpose.

(1) In addition to the general purposes listed in Section 110, the specific purposes of these zoning districts are to:
   - (a) provide appropriately located areas for a full range of professional, office, institutional, service, and retail business needed by residents of, and visitors to, the City and region;
   - (b) strengthen the city's economic base, protect small businesses that serve city residents, and promote the sustained stability of commercial areas;
   - (c) create suitable environments for various types of business and compatible residential uses, and protect them from the adverse effects of inharmonious uses;
   - (d) minimize the impact of commercial development on adjacent residential districts;
   - (e) minimize the impact of industrial development on adjacent commercial districts;
   - (f) ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;
   - (g) ensure the provision of adequate off-street parking, loading, and storage facilities, the minimization of lot coverage and impervious surfaces, the provision of adequate screening, buffering, and landscaping, and the provision of adequate illumination for commercial buildings and uses; and,
   - (i) provide sites for compatible public uses which complement commercial development; and,
   - (j) prohibit uses that are noxious or offensive by reason of the emission or creation of odor, dust, fumes, smoke, gas, noise, vibration, or similar substances or conditions which in the opinion of the City would be detrimental to the community interest.

(2) The unique specific purposes of each commercial zoning district are as follows:
   - (a) *Professional / Office/Institutional District (P).*
     To provide for areas where certain professional, office, and service commercial uses can coexist with compatible residential uses without the threat of encroachment of more intense retail or general commercial uses; to encourage such uses to remain in proximity to the business and activity center of the City thus reinforcing the highly pedestrian character of the historic downtown areas of the city; to encourage development (and redevelopment of non-conforming buildings and sites) which contributes to the small town architecture; to encourage non-linear development with shared parking, amenities, and access; and, to establish a transitional area to buffer surrounding residential neighborhoods from the highly active downtown center.
   - (b) *Downtown Commercial District (CBD).*
     To recognize and protect the historic and current vital core of the city; to foster its continued

existence as a commercial center for business, government, and service enterprises for the whole community; to encourage development of this district as a shopping, dining, living and activity center for residents, tourists, and the surrounding region; and to reinforce its small town architecture, character, and feel, and its pedestrian atmosphere, scale and movement by grouping specialized uses which benefit from close proximity to each other and by fostering full utilization of existing structures and infrastructure by allowing mixed land uses, contiguous construction, and shared parking facilities.

(c) *Neighborhood Commercial District (B-1).*
To provide for limited commercial uses in proximity to surrounding neighborhoods; to foster the retailing of goods and furnishing of selected services while protecting nearby residential properties from possible adverse effects; to encourage development and redevelopment of these areas as neighborhood convenience centers, thus not encompassing a full range of business activities but rather those which serve the needs of the immediate neighborhood; and establish a transitional area as a buffer between residential, pedestrian areas and areas of higher vehicle traffic and more intense commercial development.

(d) *General Commercial District (B-2).*
To provide for a range of commercial uses that supply commodities or services for both the community and regional market; to collect and consolidate such uses primarily on arterial streets and at major intersections; to minimize strip development along streets and roadways; and to provide adequate locations buffered by lighter commercial areas for those commercial activities which are frequently incompatible in close proximity to residential areas due to services, operations, or processes that are objectionable by reason of odor, dust, bright lights, smoke, noise, vibration, traffic volume and/or congestion, and exterior activities, storage, or displays.

(e) *Highway Business District (B-3).*
To provide an area for commercial establishments that normally depend on the traveling or commuting public for business and that generally offer extended hours of service; to allow the development of uses that usually involve larger vehicles transporting goods and servicing both commercial and industrial areas, the sales of motor vehicles and heavy equipment, and warehouse and commercial storage uses; to collect and consolidate such uses primarily on state and federal highway intersections; and to minimize strip development along streets and roadways; and to provide adequate areas for those commercial activities that generally offer extended business hours beyond the typical 8 a.m. -6 p.m. work schedule and that frequently experience periods of higher traffic volume.

620.3 Commercial Land Use Regulations (P,CBD, B-1, B-2, B-3). The commercial zoning districts referenced below correspond to the districts listed in Section 620 and intent statements in Section 620.2. In ***Table 7 - Commercial Zoning District Land Use Regulations***, the letter "P" designates use classifications permitted in commercial zoning districts. The letter "C" designates use classifications allowed by approval of a conditional use permit, see Section
1425. The letter "X" designates use classifications prohibited. References listed under "see section" reference additional regulations located elsewhere in this Ordinance or the Code of Ordinances. For further definition of the listed uses, see Article II. For the chart of dimensional requirements and exceptions, see Article VII.

Section 620.3 Table 7 – Commercial Zoning District Land Use Regulations
[P] = permitted; [X] = prohibited; [C] = conditional use permit required

LAND USE CATEGORY	DISTRICT					REFERENCE
Principal Use* (unless noted as an accessory use)	P	CBD	B1	B2	B3	See Section or Note
Accessory building and uses						
accessory apartments	P	P	P	P	P	See **RESIDENTIAL**
accessory dwelling units	C	P	C	X	X	See **RESIDENTIAL**
bed and breakfasts	C	C	P	P	P	Code § 22: 146-225
fuel dispensary, pump, island and/or canopy	X	C	C	P	P	Note (1)
home occupations	P	P	P	P	P	See § 1000.3
home office	P	P	P	X	X	
residential business	P	P	P	X	P	See § 1000.3
outdoor storage	X	X	X	X	P	
outdoor display	X	P	X	X	X	
sidewalk amenities	X	P	X	X	X	See § 1000.6
structures – general	P	P	P	P	P	See § 1000.1
temporary structures	P	P	P	P	P	See § 1000.9
uses – general	P	P	P	P	P	See § 1000.2
Administrative and information service facilities						
administrative offices/processing center	P	P	P	P	P	
call/telecommunications center	P	P	P	P	P	
data processing/programming facilities	P	P	P	P	P	
Agricultural uses						
timber harvesting	X	X	X	X	P	
Alcohol and beverage stores, retail						
beer and wine	X	C	C	P	P	
Amusements and Entertainment						
adult entertainment establishment	X	X	X	X	X	Note (19)
archery range or firing range	X	X	X	X	P	See §1031
game center	X	P	P	P	P	
miniature golf, outdoor	X	X	X	X	C	
play centers, skating rink, bowling alley	X	X	X	X	P	
theaters	X	P	X	X	P	
theaters, outdoor	X	C	C	C	C	
Animal facilities and services						
clinics and specialty services	X	X	X	P	P	Note(4)
hospitals, lodging, and shelters	X	X	X	X	P	Note(4)
animal/pet supply stores, retail (excluding pet sales)	X	P	P	P	P	
animal/pet supply stores (including pets sales)	X	X	X	P	P	
Antique, curio, and/or collectible shops	P	P	P	P	P	
Apparel stores-clothing and accessories, retail						
bridal, vintage, consignment, and rental	X	P	P	P	P	
new	X	P	P	P	P	
secondhand and/or thrift	X	P	P	P	P	
shoe repair, service	X	P	P	P	P	
tailoring and/or dressmaking, service	X	P	P	P	P	

Arts, Crafts, and Hobbies						
Art, craft and/or hobby supply stores, retail	X	P	P	P	P	
Art gallery or shop, retail	X	P	P	P	P	
Art studios	P	P	P	P	P	
Craftsman studios	P	P	P	P	P	
Audio/video/computer equipment						
supply stores, rental and/or repairs	X	P	P	P	P	
supply stores, retail	X	P	P	P	P	
Beauty shops, services						
barber, hairdresser, and/or stylist shops	P	P	P	P	P	
beauty supply, retail	P	P	P	P	P	
beauty/health spas	X	P	P	P	P	
manicure establishment	X	P	P	P	P	
tanning centers	X	P	P	P	P	
Book, news, magazine stores, retail	X	P	P	P	P	
Building, construction and special trade facilities						Note(5)
contractor and developer offices	X	P	P	P	P	
contractor/developer offices with facilities	X	X	X	X	P	
contractor/developer office center	X	X	X	X	P	Note(6)
landscape/irrigation service	X	X	X	X	P	
timber harvesting service	X	X	X	X	P	
tree surgery service	X	X	X	X	P	
building supply store, wholesale	X	X	X	X	P	Note(10)
Catering establishments, retail and rental	P	P	P	P	P	
Child-care facilities						
child-care, center	C	C	X	P	P	
child-care, home	C	C	X	P	P	
Principal Use* (unless noted as an accessory use)	P	CBD	B1	B2	B3	See Section or Note
Churches						
community	P	P	P	P	P	
megachurch	P	P	P	P	P	
neighborhoo	P	P	P	P	P	
Collection Agency	P	P	P	P	P	
Community associations/clubs-civic and private	P	P	P	P	P	
Confectionery and dessert shops, retail	X	P	P	P	P	
Copy and blueprint shops	P	P	P	P	P	
Department/discount department stores, retail	X	P	P	P	P	
Detective agency	P	P	P	P	P	
Distribution and storage facilities						
warehouse, self-service (mini)	X	X	X	X	P	
warehouse	X	X	X	X	P	
Drug stores, retail	P	P	P	P	P	
Educational facilities						
schools-private, public, parochial	C	C	C	C	C	
school programs-day-, pre-, post-	C	C	C	C	C	
small scale instruction	C	P	P	P	P	
studios for work or teaching of fine arts, photography, music, drama, dance, martial arts	C	P	P	P	P	
Fabric and notion shops, retail	X	P	P	P	P	
Financial institutions-banks, savings/loans						
With/without drive-thru window	P	P	P	P	P	
Automatic teller machine only	P	P	P	P	P	

Florist and plant shops, retail	X	P	P	P	P	
Funeral and interment establishments						
cemeteries and memorial cemeteries	X	X	X	X	C	See §1020
gravestone and burial vault, sales and	X	X	X	X	P	Note (10)
storage undertaking, mortuary, and/or	X	X	X	C	P	
funeral home						
Gift, card, and stationary shops, retail	X	P	P	P	P	
Grocers, retail						
convenience food stores	X	P	P	P	P	Note(12)
delicatessens, bakery, specialty	X	P	P	P	P	Note(12)
grocers farmers market	X	P	X	X	X	Note(7)
grocery markets	X	P	P	P	P	Note(12)
health food	X	P	P	P	P	Note(12)
stores						
Healthcare, service-dental, medical, optometry, psychiatric, chiropractic						
clinics (day services only)	P	P	P	P	P	
convalescent care, nursing, rest homes	P	X	P	P	P	
hospitals and laboratories	P	X	X	P	P	
person care homes, family	X	X	P	P	P	Note(20)
personal care homes, group	C	C	P	P	P	
personal care homes,	C	C	C	P	P	
congregate private offices	P	P	P	P	P	
sanitariums and mental institutions	X	X	X	X	P	
Interior design and decorating establishments						
china, clock, frame, and/or rug shops,	X	P	P	P	P	
retail floor covering, retail and service	X	P	P	P	P	
furniture and furnishings stores,	X	P	P	P	P	
retail hardware and paint stores,	X	P	P	P	P	
retail kitchen supply stores, retail	X	P	P	P	P	
kitchen supply stores, rental	X	P	P	P	P	
linen and drapery, retail and service	X	P	P	P	P	
wallpaper, retail and service	X	P	P	P	P	
Jewelry stores, retail	X	P	P	P	P	
Laundry and/or dry cleaning establishments						
drop and pick up	X	P	P	P	P	
stations full-service	X	X	P	P	P	
self-service, public	X	X	C	P	P	
Lawn and garden establishments						
supply and equipment, retail and rental	X	X	C	P	P	Note(10)
greenhouse and plant nursery,	X	X	C	C	P	See § 1000.5
Lodging						
bed and breakfast inns	C	P	C	P	P	
hotels	X	P	C	P	P	
inns	X	P	C	P	P	
motels	X	X	X	C	P	
Mercantile and dry good stores, retail	X	P	P	P	P	
Media facilities, print and electronic						
film and internet production offices	P	P	P	P	P	
newspapers offices	X	P	P	P	P	
publishing and printing establishments	X	P	P	P	P	

Motor vehicles and equipment						
>passenger vehicles and small engine equipment						Note(14
body repair and painting	X	X	X	X	P	) Note
car wash, service or self-service	X	X	P	P	P	(8)
fuel sales	X	C	P	P	P	
general service/installation of parts/access.	X	C	P	P	P	
new or used, sales and rental	X	X	X	C	P	
light duty trailer sales, new-accessory use	X	X	X	C	P	Note(8)
parts/accessories,	X	P	P	P	P	Note(10)
sales tires, sales	X	X	C	C	P	Note
vehicle storage yard welding	X	X	X	X	P	(13)
and fabrication wrecker	X	X	X	X	P	
and/or towing service	X	X	X	X	P	Note
>heavy trucks, RVs and other heavy						(10)
equipment	X	X	X	X	P	Note(8)
body repair and painting	X	X	X	X	P	Note (8)
fueling station	X	X	X	X	P	Note(15)
general service/installation of parts/access.	X	X	X	X	P	Note(8)
new or used, sales and	X	X	X	X	P	
rental	X	X	X	X	P	Note(8)
parts/accessories/tires,	X	X	X	X	X	Note(8)
sales	X	X	X	X	X	Note(13
truck wash, service or self-						)
service terminal, motor freight						
truck stop/travel plaza						

LAND USE CATEGORY		DISTRICT				REFERENCE
Principal Use* (unless noted as an accessory use)	P	CBD	B1	B2	B3	See Section or Note
Musical instrument shop, retail	X	P	P	P	P	
Office Parks						
medical office parks	X	X	P	X	P	
professional office parks	P	X	P	X	P	
Office supply stores, retail	P	P	P	P	P	
Optical supply stores, retail	P	P	P	P	P	
Parking, commercial-primary use						
garages	P	P	P	P	P	Note(
lots	X	X	X	X	P	10)
Parks and Recreation						
campgrounds	X	X	X	X	X	
health/fitness center	X	X	P	P	P	Note(17),
gymnasium	X	X	C	C	P	Note(18)
neighborhood activity center-accessory use	P	P	P	P	P	Note(17)
parks, active	X	C	P	P	P	
parks, passive	P	P	P	P	P	
Photography						
supply and processing stores, sales/service	X	P	P	P	P	
portrait studio	P	P	P	P	P	
Professional offices	P	P	P	P	P	Note(9)
Public buildings						
government offices, libraries, museums	P	P	P	P	P	
convention hall, community center	P	P	P	P	P	
Recreational equipment stores, repair and						
Rental	X	X	X	P	P	Note(10)
Recreational equipment/supply stores, retail	X	P	X	P	P	Notes(10) & (13)

RESIDENTIAL:						
accessory apartments	P	P	P	C	C	See:§1000.8
accessory dwellings	P	P	P	C	C	See: §1000.8
apartment buildings	C	C	C	C	C	
apartment houses	C	P	X	X	X	
lofts	P	P	P	P	P	
single-family dwellings	P	P	P	P	P	
two-family dwelling/duplex	X	X	X	X	X	
townhouses	C	C	C	C	C	
Restaurant						Note(11)
restaurant/café, grill, lunch counter	X	P	P	P	P	
with drive-in or drive-through service	X	C	X	X	P	Note(17)
with walk-up or walk-away service	X	C	X	X	P	
Sales and Service Facilities						
appliance stores (small and large), retail, rental,	X	X	P	P	P	Note(2),(3)&(6)
rental, and/or repairs	X	X	P	P	P	
building supply, retail	X	X	X	X	P	
equipment(small and large), service and rental	X	X	P	P	P	Note
equipment(office), service and rental	X	P	X	P	P	
fuel sales-liquid, wholesale and sale	X	X	X	X	X	(2)
funeral and interment establishments,	X	X	X	X	P	
wholesale and storage janitorial						Note
cleaning services janitorial/cleaning supply	X	X	X	P	P	
store, wholesale lawn and garden supply,	X	X	X	P	P	(16)
wholesale locksmith shop, service	X	X	X	X	P	
	X	P	X	P	P	
LAND USE CATEGORY		DISTRICT				REFERENCE
Principal Use* (unless noted as an accessory use)	P	CBD	B1	B2	B3	See Section or Note
Sales and Service Facilities (continued)						
manufactured home sale lots	X	X	X	X	X	
pawn shop and pawnbrokers	X	X	X	X	P	
pest control services	X	X	X	X	P	
print and publication shops	X	X	X	X	P	
scrap hauling service	X	X	X	X	X	
sewer and septic tank service	X	X	X	X	X	
vending supply and service	X	X	X	X	X	
Shipping, packaging, and delivery establishments						
non-freight business	X	X	X	X	P	
Shopping Centers	X	X	X	X	P	
Telecommunications facilities						
mobile telephones/paging, retail and service	X	P	P	P	P	
satellite dishes, retail	X	X	P	P	P	
Temporary buildings	P	P	P	P	P	See §1000.9
Toy, variety, novelty, and dime stores, retail	X	P	P	P	P	
Transportation facilities						
airport	X	X	X	X	C	
administrative offices/dispatches	X	X	X	X	P	
commuter lot	X	X	X	X	P	
stations or terminals	X	X	X	X	P	
Travel agencies	P	P	P	P	P	

Utility and area service provider facilities						
emergency management services-fire, police, ambulance	P	P	P	P	P	
garbage and recycling collection services	X	X	X	X	X	
landfills, incinerators, and dumps	X	X	X	X	X	
recycling center	X	X	X	X	X	
telecommunications facility, radio and television stations	X	P	C	C	P	
telecommunications facility, tower/antenna	X	X	X	X	C	See Article XI
utility administrative office	X	P	X	X	P	
utility transformers, substations, and towers	P	P	P	P	P	
Vending						
food and beverage, temporary sales	X	C	X	X	X	
general merchandise, temporary sales	X	C	X	X	X	
parking, temporary event	X	P	P	P	P	
outdoor sales, temporary sales	X	C	X	X	X	

Notes for Table 7, Section 620.3:

(*) Unless otherwise specifically noted (for example, **RESIDENTIAL:**), all of the following uses are considered to be nonresidential, which for the purposes of this section encompasses commercial, professional, office and/or institutional uses. For commercial retail uses, incidental manufacturing of products sold by the retail establishment on the premises is included provided that the manufacturing area does not occupy more than twenty (20) percent of the total floor area and does not employ more than ten (10) persons.

(1) Provided that fuel dispensary, pump and/or canopy is not located in the front yard except in B-3.

(2) Small appliances means radio, television, computer, kitchen counter appliances, stereo, fax, computer printer, VCR/DVD players, and other appliances of similar size.

(3) Large appliances means refrigerator, washer, dryer, dishwasher, stove, freezer, office copier, sewing machine, vending machine and other appliances of similar size.

(4) Outdoor kennels, runs, or open areas are permitted as accessory uses in B-3 zoning districts only provided that such are located in the rear yard, enclosed by a fence not less than seven (7) foot high, and screenedfrom the public right-of-way and from adjoining properties in accordance with Section 550.

(5) Special trades means goods and services integral to building and construction, specifically roofing, sheet metal, electrical, plumbing, heating/air conditioning systems, cabinetry, carpentry, flooring, drapery, upholstery, lumber and building materials, hardware and paint, rug and carpet care, sign making, glass and mirror cutting, and antique repair and restoration.

(6) Provided that such is not located within one hundred (100) feet of any residential district; provided that all operations are conducted in a building which shall not have any openings (other than a stationary window and pedestrian doors) facing the street frontage; and provided that no parts or waste materials shall be stored in the principal building.

(7) Provided that temporary produce stands are located within the designated area within the CBD District and operated only during the established times set by Council or its designee.

(8) Motor vehicle storage which is secondary and clearly incidental is permitted provided that such is located in the rear yard, enclosed by a fence not less than seven (7) foot high, and screened from the public right-of-way and from adjoining properties in accordance with Section 550.

(9) Professional offices means the following recognized professional services/professionals: accountant, actuary, appraisal, architect, billing/bookkeeping, brokerage, computer science, decorator, designer, editor, engineer, insurance, investment, landscape architect, lawyer, real estate, researcher, surveyor, translator, and web design. See Section 210.

(10) Provided that such is screened in accordance with Section 550.

(11) For licensing requirements regarding pouring of alcoholic beverages, see Code of Ordinances, Chapter 6.

(12) The selling of produce from vehicles or from temporary stands outside of the building is prohibited.

(13) Outdoor display and storage of manufactured home (retail) and motor vehicle and heavy equipment (retail and rental) is permitted in accordance with Section 1000, but any repair of such must be conducted entirely within a building which shall not have any openings (other than a stationary window and pedestrian doors) facing the street frontage, shall have no parts or waste materials stored outside, and all motor vehicles placed on the display lot shall be in operating condition at all times.

(14) Small equipment means lawn mowers (pushing), hand tillers, and other equipment of similar size whether engine operated or not.
(15) Heavy equipment means farm machinery and implements, construction equipment, lawn mowers (riding and trailing), motorcycles, all-terrain vehicles (ATV), off-road vehicles (ORV), recreational vehicles (RV), boats, travel trailers and other equipment of similar size whether engine operated or not.
(16) Excludes retails sales of fuels intended for car and light truck vehicle use.
(17) As an accessory use only, snack counters and/or sales of food and non-alcoholic beverages are also included provided that said accessory use shall be operated in compliance with all applicable health regulations of the Walton County Health Department.
(18) As an accessory use only, non-commercial nursery or child-care areas are also included provided that said accessory use shall be available only for patrons while the patrons are on the premise.
(19) In compliance with the City of Monroe Code of Ordinances, Chapter 22, Article II, Adult Entertainment.
(20) Not allowed in B2 in CBD

Section 630 Industrial District: M-1.

630.1 General Provisions. In the M-1 industrial zoning district, no building shall be erected, remodeled, extended, constructed, reconstructed, moved, or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter.

630.2 Specific Intent and Purpose.

(1) In addition to the general purposes listed in Section 110, the specific purposes of these zoning districts are to:
   (a) provide appropriately located areas for a range of light industrial uses, and limited commercial uses that are compatible therewith, for the employment of residents of the city and region;
   (b) strengthen the city's economic base, protect industrial investments, and promote the sustained stability of existing industrial areas;
   (c) encourage an orderly and coordinated industrial growth pattern to ensure adequate and efficient provision of public services;
   (d) create suitable environments for various types of light industrial, manufacturing, and compatible commercial uses, and protect them from the adverse effects of inharmonious uses;
   (e) minimize the impact of industrial development on residential districts, small town architecture, and the quality of life of the community;
   (f) ensure that the appearance and effects of industrial buildings and uses are harmonious with the character of the area in which they are located;
   (g) ensure the provision of adequate off-street parking, loading, and storage facilities, the minimization of lot coverage and impervious surfaces, and the provision of adequate screening, buffering, and landscaping, and the provision of adequate illumination for commercial and industrial buildings and uses;
   (h) provide sites for public and semi-public uses needed to complement industrial development or compatible with an industrial environment; and
   (i) prohibit uses that are noxious or offensive by reason of the emission or creation of odor, dust, fumes, smoke, gas, noise, vibration, or similar substances or conditions which in the opinion of the City would be detrimental to the community interest.
   (j) protect and promote a suitable environment for light industrial uses and LIMITED commercial uses compatible therewith; to provide accessibility to major transportation facilities as well as availability of adequate utilities and other public services; to discourage uses incompatible with light industrial development; and to minimize the negative impacts often associated with such uses typically characterized by one or more of the following:
      1) warehouse storage of wholesale goods and bulk product,
      2) outdoor storage of vehicles, heavy equipment, and large goods/bulk product,
      3) operations oriented toward the working or adult portions of the population,
      4) operations requiring additional performance standards to avoid objectionable environmental conditions,
      5) operations requiring large acreage for heavy vehicle circulation and loading/unloading.

6) operations utilizing the location as a base for services provided throughout the community,
7) operations involving repair, fabrication, assembly, or packaging.

Further, the district is specifically intended to serve as an alternative location to avoid incompatible intrusions into areas promoted for high-traffic, retail-oriented commercial activity.

630.3 Industrial Land Use Regulations (M-1). The M-1 industrial zoning district referenced below corresponds to the district listed in Section 630 and intent statements as found in Section 630.2 above. In ***Table 8 – Industrial Zoning District Land Use Regulations***, the letter "P" designates use classifications permitted in industrial zoning districts. The letter "C" designates use classifications permitted by approval of a conditional use permit, see Section 1425. The letter "X" designates use classifications prohibited. References listed under "see section" reference additional regulations located elsewhere in this Ordinance or the Code of Ordinances. For further definition of the listed uses, see Article II. For the chart of dimensional requirements and exceptions, see Article VII.

Section 630.3 Table 8-Industrial Zoning District Land Use Regulations
[P]=permitted; [X]=prohibited;[C]=conditional use permit required

LAND USE CATEGORY	DISTRICT	REFERENCE
Principal Use*(unless noted as an accessory use)	**M-1**	**See Section or Note**
Accessory building and uses		
structures-general	P	See §1000.1
temporary buildings	P	See §1000.9
uses-general	P	See §1000.2
Administrative and information service facilities		
administrative offices/processing center	P	
call/telecommunications center	P	
data processing/programming facilities	P	
data processing/programming facilities with product production	P	
Amusements and Entertainment		
adult entertainment establishment	P	Note (5)
archery range or firing range	P	See § 1031
game center	X	
miniature golf, outdoor	X	
play centers, skating rink, bowling alley	P	
theaters	X	
theaters, outdoor	X	
Animal facilities and services		
clinics and specialty services	C	
hospitals, lodging, and shelters	C	
Building, construction and special trade facilities		
contractor and developer officers	P	
contractor/developer offices with facilities	P	
contractor/developer office center	P	
landscape/irrigation service	P	
timber harvesting service	P	
tree surgery service	P	
building supply store, wholesale	P	

INDUSTRIAL:		
Industry, heavy-manufacturing, repair, assembly, or processing		
abattoir	X	
acid manufacturing	X	Note(1)
asphalt, cement, clay, gypsum, lime, or plaster manufacturing or processing	X	
bone distillation	X	
chlorine or similar noxious gases production	X	
drop forge industries using power hammers	X	
explosives, manufacturing or storage	X	
fats or oils, rendering or refining	X	
fertilizer production	X	
garbage, offal, or dead animals-dumping, storage, disposal, or landfilling of such	X	
glue manufacturing	X	
petroleum, refining or above-ground product storage	X	
sauerkraut, vinegar or yeast processing	X	
Industry, light – manufacturing, repair, assembly, or processing		
apparel, clothing and/or garment manufacturing	P	
aquarium chemical processing	P	
bakery or confectionery, wholesale	P	
business machines manufacturing	P	
concrete batch plant	C	
electrical appliances manufacturing	P	
electronic and scientific equipment manufacturing	P	
camera and photographic equipment manufacturing	P	
ceramic products manufacturing	P	
cosmetics and toiletries manufacturing	P	
fiberglass product manufacturing	P	
frozen dessert and milk processing	P	
glass fabrication	P	
grain processing	P	
laboratories for testing materials, chemical analysis and/or photographic processing	P	
medical appliance manufacturing	P	
medical device sterilization	P	
metal stamping	P	
musical instruments and parts manufacturing	P	
paper product manufacturing	X	Note(2)
pharmaceuticals or optical goods manufacturing	P	
plastic product manufacturing	P	Note(3)
souvenirs and novelties manufacturing	P	
tools or hardware manufacturing	P	
toys, sporting and athletic goods manufacturing	P	
wood, paper, and plastic assembly	P	
Parks and Recreation		
campgrounds	X	
health/fitness center	C	
gymnasium	C	
neighborhood activity center – accessory use	C	
parks, active	X	
parks, passive	P	
RESIDENTIAL	C	

Sales and service facilities		
appliance stores(small and large), retail, rental, and/or repairs	P	
building supply, retail	P	
equipment(small and large), service and rental	P	
equipment(office), service and rental	P	
fuel sales – liquid, wholesale and retail	P	Note(4)
funeral and interment establishments, wholesale and storage	C	
janitorial cleaning services	P	
janitorial/cleaning supply store, wholesale	P	
laundry and/or dry cleaning establishments, full service	P	
lawn and garden supply, wholesale	P	
locksmith shop, service	P	
manufactured home sale lots	C	
pawn shop and pawnbrokers	P	Code of Ord. Chap 78
pest control services	P	
print and publication shops	P	
scrap hauling service	P	
sewer and septic tank service	C	
vending supply and service	P	
Transportation facilities		
airport	C	
administrative offices/dispatches	C	
commuter lot	C	
stations or terminals	C	
Utility and area service provider facilities		
emergency management services – fire, police, ambulance	P	
garbage and recycling collection services	C	
landfills, incinerators, and dumps	X	
recycling center	C	
telecommunications facility, radio and television stations	P	
telecommunications facility towers and antenna	P	See Article XI
utility administrative office	P	
utility transformers, substations, and towers	P	
Distribution and storage facilities		
warehouse, self-service(mini)	P	
warehouse	P	
distribution warehouse facility	P	
Motor vehicles and equipment		

>passenger vehicles and small engine equipment		
body repair and painting	P	
car wash, service or self-service	P	
fuel sales	P	
general service/installation of parts/accessories	P	
new or used, sales and rental	P	
parts/accessories, sales	P	
tires, sales	P	
vehicle storage yard	P	
welding and fabrication	P	
wrecker and/or towing, service		
>**heavy trucks, RVs and other heavy equipment**	P	
body repair and painting	P	
fueling station	P	
general service/installation of parts and accessories	P	
new or used, sales and rental	P	
parts/accessories/tires, sales	P	
truck wash, service or self-service	P	
terminal, motor freight	P	
truck stop/travel plaza		

Notes for Table 8, Section 630.3:

(1) Acid manufacturing includes without limitation the manufacturing of hydrochloric, nitric, picric, sulfuric acid or other similar acids.
(2) Excluding the manufacturing of paper from pulp wood.
(3) Excluding the processing of raw materials.
(4) Excludes fuels intended for vehicle use.
(5) In compliance with the City of Monroe Code of Ordinances, Chapter 22, Article II, Adult Entertainment.

It is recognized that there are certain areas of the central core of the City that are classified as Industrial (M-1) due to their historic uses as industrial manufacturing and transportation facilities. In particular, the City was once home to the manufacturing operations of the Monroe Cotton Mills, the Walton Mill and the transportation hub known as the Great Walton Railroad Train Depot. These areas no longer service industrial uses but have seen repurposing in recent years to service retail, commercial and public assembly uses. Additionally, living in close proximity to these historic Industrial sites has become attractive and desirable. Deference to the historic nature of these certain industrial complexes located within the historical central core of the City should be given and all efforts should be made to accommodate new and modern repurposed uses of these complexes for uses other than traditional industrial uses, such as retail, public assembly, light commercial including food service establishments and multifamily dwelling units.

Section 640 Overlay Districts: HPO, A-H, CDO, MHDO, IOD.

The overlay zoning districts of the City of Monroe include: Historic Preservation Overlay District (HPO), Airport Hazard Overlay District (A-H), Corridor Design Overlay District (CDO), the Monroe & Walton Mills Historic District Overlay (MHDO), and the Infill Overlay District (IOD). Overlay districts are superimposed over existing zoning districts. The special requirements of the overlay districts shall apply in addition to the requirements of the zoning district within which a specific property is located. Uses permitted within the overlay districts are those permitted in the underlying zoning district. If there is any conflict between this Section and another part of this Ordinance, the more stringent requirement shall govern.

Section 641 Historic Preservation Overlay District (HPO).

641.1 Intent and Purpose. The Monroe Historic District, designated pursuant to O.C.G.A Chapter 44-10-1, shall also be known as the Historic Preservation Overlay District. The boundaries of the district are delineated on the Official Zoning Map pursuant to the Monroe Historic Preservation Ordinance, see Chapter 54 of the Code of Ordinances.

641.2 Overlay District. The Historic Preservation Overlay District is superimposed over existing zoning districts. The special requirements of this district shall apply in addition to the requirements of the zoning district within which a specific property is located. Uses permitted within the Historic Preservation Overlay District are those permitted in the underlying zoning district. If there is any conflict between the requirements of Chapter 54 of the Code of Ordinances and the historic preservation design manual, guidelines, and/or criteria and another part of this Ordinance, the more stringent requirement shall govern.

641.3 Permitted Uses.
All permitted uses of the use district which is superimposed by the Monroe Historic District shall be allowed as regulated by the requirements of such district. Any use or development or building in the HPO shall be subject to any and all special requirements imposed by the City of Monroe Historic Preservation Commission pursuant to a properly granted Certificate of Appropriateness.

Section 642 Airport Hazard Overlay District (A-H).

642.1 Intent and Purpose.
This district is composed of lands and structures located within the flight approach areas or navigable airspace of airports in the City of Monroe. The regulations are intended to prevent the development of high residential densities or the concentration of large numbers of persons in those areas endangered by low flying aircraft in the process of landing or taking off and to protect flying aircraft by limiting the height of buildings and trees.

642.2 Overlay District
This district is superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located.

642.3 Permitted Uses
All permitted uses of the use district which is superimposed by the Airport Hazard Overlay District shall be allowed as regulated by the requirements of such district, except those uses listed in Section 642.4.

642.4 Prohibited Uses
The following uses are prohibited in the A-H Airport Hazard District.
(1) Churches, schools, lodges, clubs, theaters, and other places of public assembly
(2) Multi-family dwellings in excess of four (4) units.
(3) Hospitals and institutions, including any type of group or congregate homes, including personal care homes.
(4) Any other similar uses where concentrations of persons are customary.

642.5 Dimensional Requirements
All dimensional requirements of the use district in which the specific property is located shall be adhered to.

642.6 Maximum Height Requirements
The maximum height of all principal and accessory buildings and structures in this district shall be in accordance with the current Airport Layout Plan (ALP) Airspace Drawing – Runway Protection Zone. Said map is hereby adopted as part of this Ordinance and incorporated herein as fully as if set out in full. A copy of the Airport Layout Plan (ALP) Airspace Drawing – Runway Protection Zone is available for public inspection in the office of the City Clerk.

642.7 Hazard Marking and Lighting
Any variance granted in accordance with Section 1430, may, if such action is deemed advisable and reasonable in the circumstances, require the owner of the structure or tree in question to install, operate, and maintain thereon such markers or lights as may be necessary to indicate to flyers the presence of a hazard to air navigation.

642.9 A-H District Boundaries
Airport Hazard (A-H) District boundaries are defined as all areas within 2,500 feet from all sides and ends of all runways located in the City, as measured perpendicular to such sides and ends of runways.

Section 643 Corridor Design Overlay District (CDO).

643.1 Intent and Purpose

This Overlay District is established to establish a uniform procedure for the protection, enhancement, perpetuation, and use of the primary highway corridors entering the City ("Corridor"), as the Corridor has a direct impact on places, districts, sites, buildings, structures, and works of art with special historical, cultural, or aesthetic interests or values. Suburban sprawl and roadside commercial developments, when set into a traditional quasi-rural community with valuable historic buildings such as Monroe, can produce an adverse effect on City character and quality of life. Conventional planning models and zoning ordinances can produce linear development, homogeneous architecture, large expanses of asphalt and a proliferation of signage.

Careful planning, particularly along heavily traveled and developed routes in the Corridor, can allow new developments to be successfully blended into the existing City without compromising the unique character of Monroe. The purpose of the CDO is to implement the development of appropriate regulations and planning techniques to protect Monroe's entry corridors along the Corridor. The City also seeks to enhance open space conservation.

The Mayor and Council recognize commercial strip development spawns traffic congestion, extensive and competing signage and incompatible architecture. In order to preserve Monroe's rural ambiance and historic elements, guidelines are necessary to prevent the emergence and expansion of long linear commercial strips within the Corridor. The primary goal of the CDO is to protect the character of these gateways while utilizing appropriate standards and criteria to direct future development in harmony with the City of Monroe. The objectives also include the safe and efficient use of the roadways, and the encouragement of quality, sensible development in harmony with the rural character and historic elements of Monroe. A further purpose is limitation on linear shopping centers and the parking lots associated therewith. The construction of new, smaller scale traditional buildings along the roadside and frontage can assist in achieving the desired effect by buffering views of asphalt lots.

The City also seeks to enhance open space conservation, by taking a parcel of land, calculating the number of lots by conventional zoning, then reducing the buildable land and reducing lot sizes accordingly. The remaining undeveloped land may be set aside as a permanent conservation easement or for non-commercial use.

The City wishes to focus upon the compatibility of forms, scale, massing and materials such that new structures will conform to neighboring community features and standards, and more closely reflect the rural character and historic elements of the community. New structures should be reasonably harmonious with existing traditional buildings in Monroe and its rural surroundings. Height, mass and roof shape are important elements.

643.2 Corridor Commission

(1) The Commission.
The Monroe Planning Commission shall function as the "Monroe Corridor Commission."

(2) Commission Position within the City of Monroe Government.
The Monroe Corridor Commission shall be considered a part of the zoning and planning functions of the City of Monroe. It shall have the authority to issue Certificates of Appropriateness subject to appeal to the Council.

(3) Statement of the Commission's Powers.
The Monroe Corridor Commission shall be authorized to:
- (a) Prepare an inventory of all property within the Corridor.
- (b) Recommend to Mayor and Council specific actions to preserve and improve the integrity, aesthetics and safety of the Corridor;
- (c) Review applications for Certificates of Appropriateness, and approve, approve with conditions, deny or defer a decision on the application to a future meeting of the Commission;
- (d) Make such investigations and studies of matters relating to corridor design as the Mayor and Council may, from time to time, deem necessary or appropriate for the purpose of improving the Corridor in the best interests of the public health, safety and welfare;
- (e) Seek out state and federal funds and make recommendations to the Mayor and Council concerning the most appropriate uses of any funds acquired;
- (f) On behalf of and for the Mayor and Council, the Commission may receive donations, grants, funds, or gifts of property. The Commission shall not obligate the Mayor and Council without prior consent.

(4) Rules of Procedure.
The rules for the transaction of business and consideration of applications, time and place of regular meetings, and the calling of special meetings shall all be in accordance with currently existing Planning Commission procedures.

(5) Commission's Authority to Receive Funding from Various Sources.
The Commission shall have the authority to accept donations on behalf of the City of Monroe and shall insure that their funds do not displace appropriated governmental funds.

643.3 Boundaries of the Corridor

The Corridor is defined as all areas contiguous to and all parcels that adjoin and/or abut the following roads within the City limits of Monroe:

(1) Highway 11/Broad Street
(2) East and West Spring Street (Hwy 10 Bus)
(3) Highway 138/Martin Luther King Jr Blvd/Charlotte Rowell Blvd
(4) Highway 78

643.4 Application to Corridor Commission for Certificate of Appropriateness

(1) Approval of Alterations or New Construction.
If a property is within the Corridor, no building permit shall be issued and no material change in the appearance of such property, or of a structure, site, or work of art within the Corridor, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a Certificate of Appropriateness ("COA") has been submitted to and approved by the Commission. Any approved changes shall conform to all the requirements specified in the COA and this section. Building Permits related to interior changes to existing buildings in the Corridor as of the date of this Ordinance are exempt from the requirement of obtaining a COA from the Commission.

(2) Approval of New Construction within Designated Districts.
The Commission may issue a COA for new projects and structures constructed within the Corridor. These structures shall conform in design, scale and setback, to the requirements specified in the Section 643A.

(3) Application Process.
(a) An application for a COA shall be accompanied by such relevant drawings, photographs, or plans reasonably required by the Commission per this section and shall be submitted to the Code Enforcement Officer at least forty-five (45) days prior to the Commission's regularly scheduled meeting.
(b) For Minor Changes to existing development and/or buildings, no COA shall be required. Minor Changes are defined solely as: changes in type of roofing material, removal of non-conforming signs or structures and installation of irrigation, and alterations involving less than Five Thousand Dollars ($5,000.00) expense to existing elevations or site plans.

(4) Acceptable Commission Reaction to Applications for COA.
(a) The Commission shall, after the public hearing described below, approve the application and issue a COA, as presented, or as modified by the Commission with conditions, if it finds that the proposed change(s) in the appearance would not have a substantial adverse effect on the Corridor. In making this determination, the Commission shall consider impervious surface, parking, parking islands, green space, signage, trees, landscaping, buffers, lighting, the architectural value and significance, the historical value and significance, architectural style, general design arrangement, texture, and material of the architectural features involved, and the relationship thereof to the exterior architectural style, and appurtenant features of other development and structures in the Corridor, all of these considered in the context of the standards set forth below.
(b) The Commission shall deny a COA, if it finds based on the Corridor Guidelines in Section 643A that the proposed change(s) would have substantial adverse effects on the Corridor or any structure therein.

(5) Public Hearings on Applications for Certificates of Appropriateness, Notices.
Fifteen (15) to Forty-Five (45) days prior to review of a COA by the Commission, the Commission shall inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. Said notice shall be via newspaper advertisement and signage in the same manner as for zoning hearings as outlined in Section 1440. Commission notice, hearings and actions shall be conducted the same as Planning Commission and Mayor and Council hearings and actions.

(6) Interior Alterations.
In its review of all applications for a COA, the Commission shall not consider interior arrangement or use having no effect on exterior features, safety or utility.

(7) Deadline for Approval or Rejection of Application for COA.
The Commission shall act on an application for a COA within not more than Sixty (60) days after the filing thereof by the applicant, unless such a decision is deferred to a future meeting of the Commission.

(8) Appeal to Mayor and Council; Building Permits.
(a) Any Applicant aggrieved by a decision of the Commission may appeal said decision to the Council. Said appeal shall be filed in writing with the Code Enforcement Officer within 30 days of the decision of the Commission.
(b) On appeal, the Council may uphold the decision of the Commission or reject the decision made by the Commission and enter a different decision on the COA if the Council finds that the Commission abused its discretion by acting arbitrarily and/or in violation of constitutional rights in reaching its decision.
(c) In cases where the application covers a change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a COA by the Commission shall be binding upon the Code Enforcement Officer charged with issuing building permits and, in such case, no building permit shall be issued.

(9) Requirement of Conformance with COA.
Work not in accordance with an issued COA is expressly prohibited.

(10) COA Void if Construction not Commenced.
A COA shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall be issued for Eighteen (18) months, at which time they shall expire. A new application must be made and a new COA obtained for any construction or other modification after Eighteen (18) months from the original COA.

(11) Recording of Applications for COA.
The Commission shall keep a public record of all applications for COA, and of minutes of the Commission's proceedings in connection with said applications.

(12) Acquisition of Property.
The Commission may, when authorized by the Mayor and Council, and when reasonably necessary or appropriate for the preservation of a unique property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein to the City.

643.5 Demolition or Relocation Applications

(1) Demolition Permit Applications.
The Commission, after review and a hearing, shall have the authority over any request for a permit to demolish or relocate an existing structure within the Corridor.

(2) Actions on Application for Demolition or Relocation Permit.
The Commission shall have the authority to grant or deny demolition or relocation permits within the Corridor. Public hearings shall be scheduled before the Commission for each application for demolition or relocation. The hearings shall be scheduled, noticed and conducted in the same manner as hearings on applications for COA.

(3) Consideration of Post-Demolition Plans.
The Commission shall not approve a demolition request without the Commission reviewing at the same time the plans for the building or development that would replace the structure.

(4) Demolition or Relocation Criteria.
(a) If after a hearing as described above the Commission fails to issue a COA for a Demolition Permit, if a property owner shows the Code Enforcement Officer via a certified appraisal by a licensed appraiser that a building is incapable of earning an economic return on its value, as appraised, such building may be demolished. Provided, however, that before a demolition permit is issued, one hundred eighty days (180) notice of the proposed demolition shall be given.
(b) Notice shall be placed in the local newspaper and posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. The purpose of this section is to further the purposes of this Ordinance by preserving buildings which are important to the educational, cultural, historic, architectural, traditional, and economic values of the City and to give the City's interested persons, societies, or organizations the opportunity to acquire or to arrange for the preservation of such buildings. The Code Enforcement Officer after said one hundred eighty (180) day stay and said notice shall approve a COA for a Demolition Permit, in which event a permit shall be issued without further delay.

643.6 Maintenance of Property

(1) Ordinary Repair.
Ordinary maintenance or repair of any exterior architectural feature in or on a property, that does not involve change in design, is excluded from review.

(2) Conformity to Existing Building Codes.
Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing applicable City codes, or other statutes, ordinances, and regulations.

643.7 Definitions

As used in this Section and Section 643A, the following terms are defined as set forth below:

(1) "APPURTENANCE": In general, appurtenances include without limitation appendages to the original structure such as: additions, mechanical systems, covered walkways, satellite dishes and antennae, storage buildings, attached parking decks, etc. In site planning, the term appurtenance may be applied to access roads and parking areas as well.

(2) "BUFFER": Landscape area which forms a linear stretch abutting a property line, pavement or structures.

(3) "BUILD LINE": The line indicating structural improvement on the property (building, parking, etc.) closest to the property line. The Build line shall be drawn parallel to the property line.

(4) "COA": A document approving a proposal to make a material change in the appearance of a property or of a structure, site, or work of art located within the Corridor, which document must be obtained from the Commission before such material change may be undertaken.

(5) "COMMISSION": Monroe Corridor Commission.

(6) "EXTERIOR ARCHITECTURAL FEATURES": The architectural style, general design, and general arrangement of the exterior of a building or other structure, including, but not limited to, the kind, type and texture of the building material; the type and style of all windows, doors, and signs; and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

(7) "FENESTRATION": The spatial definition of the walls of a building. The facade of a building establishes a wall surface or plane. The degree to which that plane is visually segmented by bays and punctured by entrances and windows is fenestration. For example, historic commercial buildings have a high degree of fenestration and large, modern "big-box" sprawl stores have an extremely low degree of fenestration. Monroe's architectural history is one of moderate to high fenestration.

(8) "INTERIOR": Landscaping areas within or partially within pavement areas for breaking up large expanses of pavement. Interior landscape areas include islands, peninsulas, or combinations thereof.

(9) "ISLAND": An interior landscaping area surrounded by pavement or structures.

(10) "LANDSCAPE, FRONTAGE": Landscape areas between the front of the principal building(s) and adjacent street(s).

(11) "LANDSCAPE, PERIMETER": Landscape area located between the side(s) and rear of the primary building(s) and adjacent property line(s).

(12) "MATERIAL CHANGE IN APPEARANCE": A change that will affect only the exterior features of a property or of any structure, site, or work of art within the Corridor and may include any one or more of the following:
   (a) A reconstruction or alteration of the size, shape, or facade of a property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
   (b) Demolition of a property;
   (c) Commencement of excavation;
   (d) A change in the location of advertising or any signs visible from the public way on the property;
   (e) The erection, alteration, restoration, or removal of any building or other structures within the Corridor, including walls, fences, steps, and pavements, or other appurtenant features; or
   (f) The relocation of a structure within the Corridor or from a location outside the Corridor to a location within the Corridor.

(13) "ORNAMENTATION": Decorative elements applied to a structure.

(14) "ORIENTATION": The direction a building's primary elevation (also known as façade) faces.

(15) "OUTPARCELS": A lot within a planned center or portion of a larger parcel that is reserved during

development for sale and/or future development. In commercial areas, these lots are generally reserved along the frontage road for smaller business development.

(16) "PERSON": Any natural person, corporation, LLC, unincorporated association, partnership or other entity.

(17) "SETBACK": The distance from the property line to the building (this includes roof overhangs, porches, foundations, etc.). The front setback may encompass landscape areas, paved areas, building appurtenances, etc.

(18) "SPACING": The distance between buildings located on adjoining parcels (thus including both side setbacks).

SECTION 643A. Corridor Design Standards and Guidelines.

643A.1 Site Planning

(1) General Criteria for Conceptual Planning.

(a) Creative site planning alternatives, such as cluster development, reclamation, mixed-use enterprises, planned centers and open space zoning, should be utilized to offer alternatives to linear strip development.

(b) Significant cultural, historic, natural, and scenic features should be identified for preservation during the site planning process.

(c) Architectural design should not be developed independent of context. Buildings should be integrated with, not isolated from, their surroundings. All design elements, including without limitation buildings and appurtenances, landscape design and vegetation, parking, driveways, walkways, signage and lighting, should be coordinated to create a continuous and harmonious streetscape. Where possible, building appurtenances should be shared.

(d) Landscape design shall be an integral component. Retention of existing vegetation is encouraged. Adequate provision of new landscaping areas at the frontage, along the property perimeters, and within pavement areas is essential. Landscape plans should utilize preferred plant materials, establish planting sizes, and include irrigation and screened utilities.

(2) Area Specific Criteria.

The Corridor shall have an integrated streetscape of a scale and character consistent with City's traditional development pattern. Architectural design should be heavily influenced by City's historic and traditional residential, commercial, industrial, and institutional properties within each proper context. Landscape design shall accommodate pedestrian areas, with canopy street trees and ornamental plantings, limited frontage parking with adequate shade, reduced signage, and walkways connecting buildings with the public right of way sidewalk network.

643A.2 Architecture

(1) General Criteria for Conceptual Planning.

(a) Architecture should reflect the City's traditional and/or historic built environment, specifically in terms of scale, mass, form, materials, Fenestration, and Ornamentation.

(b) Appropriate building orientation and setback are integral aspects of site planning, and should also be incorporated during architectural design.

(c) In areas where new structures are adjacent to and visible from roadways, architecture shall adhere to the standards set forth below.

(i) General. In general, new structures shall be designed consistent with traditional and historic features associated with the building type.

(ii) Orientation. Most City buildings face the street. New construction should reflect this pattern. In instances of the use of an access road, the Commission may consider alternative orientation proposals for buildings not visible from the public right-of-way.

(iii) Setback. Historic commercial and institutional properties have very defined setbacks, and few properties deviate from this established facade line. Properties that deviate detract from the streetscape. New construction and redevelopment shall closely adhere to the established facade line. Although the setback may not be the same as in historic areas, similar setbacks create the desired harmonious streetscape such as that found in the historic district.

(iv) Scale. One-story buildings are typical in most corridor areas, and these are preferred. The scale of the structure should be proportional to setback.

(v) Mass. A building's proportions will be compared with other buildings in the vicinity, and with the size of the lot. If a proposed building is over 10,000 sq. ft., or has a front facade greater

than 100 feet in length, then Setbacks, Fenestration, and other techniques shall be used to minimize the visual impact of the building.

(vi) Form. New structures should be rectilinear forms generally. Post-modern, mall-like towers are inappropriate. Parapet roof forms are preferred, as large expanses of flat roofs should not be visible, and coverage of large expanses of roof with gable or hip forms makes the roof too prominent.

(vii) Materials. Brick and wood siding are the most common traditional building materials in the City. Brick is the preferred exterior material. Materials having a wood siding appearance, such as hardiboard and hardiplank, are compatible substitutions provided that the proposed reveal is similar to that of existing historic examples. Aluminum and vinyl siding are not permitted. This prohibition includes metal building types commonly known as "Butler Buildings". Stucco, not including E.I.F.S., is acceptable in limited areas (e.g. parapets) or as full exterior surface for architectural styles and forms reflecting City's historic architecture that traditionally utilized stucco (e.g. religious architecture, Art Modern and Art Deco buildings).

(viii) Fenestration. The spacing and placement of architectural bays and openings, and the solid-to-void ratio (wall-to-window), should conform to the general proportions characteristic of traditional and historic buildings located in the central core of the City. Facades greater than 100 feet in length must incorporate wall plane projections or recesses thereby creating bays, said bays forming a different plane by at least one foot. No uninterrupted length of facade shall exceed 100 feet. The facade of a main building facing a public street shall feature at least one public entrance. Where a main building faces more than two public streets, an entrance for each side may be proposed. To avoid box-like buildings, windows and other features are important to obtain the traditional solid to void ratio. Facades that face public streets shall have arcades, display windows, entry areas, awnings, or other similar features along no less than 60% of their length. The ground floor facade must be transparent between the height of three feet and eight feet above the walkway grade for no less than 60% of the horizontal length of the building facade. Where additional establishments will be located within or adjacent to the principal building, the solid to void criteria set forth above apply to each individual facade. All windows shall be recessed and shall include visually prominent framing features.

(ix) Ornamentation. Detailing found upon local buildings should serve as a model for new design elements, including but not limited to decorative masonry work, accent masonry, brackets, knee braces, etc. Limited use of glass block, alternative masonry blocks, stucco, and synthetic stucco may be considered for the creation of building details. Building facades should include a repeating pattern that shall include no less than three of the following elements: 1) color change, 2) texture change, 3) material module change (shape), or 4) expression of architectural or structural bay through a change in plane no less than one (1) foot in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements should repeat at intervals of not more than 30 feet, either horizontally or vertically. Recessed panels (also referred to as traditional signboard areas) should be incorporated into the fenestration and ornamentation if attached wall signs are proposed.

(2) Area Specific Criteria.

Properties less than three (3) acres shall follow a frontage setback of not more than seventy-five (75) feet. Frontage setbacks should be scaled and proportioned to the form and scale of adjacent parcels. Properties greater than three acres should reserve two (2) or more outparcels for future development to insert buildings closer to the roadway. Where additional stores will be located within the main building, each such store shall have a least one exterior public entrance.

643A.3 Pavement.

(1) General Criteria.

(a) A large area of asphalt parking without landscaping, adjacent to the roadway, is not permitted. The required alternative is side or rear parking and interspersed landscaping amid front parking spaces.

(b) Shared parking areas utilized by more than one (1) building or business are encouraged to minimize large areas of pavement. The Code Enforcement Officer is specifically authorized to reduce minimum parking requirements for adjoining parcels that utilize appropriate Shared Parking legal mechanisms such as reciprocal restrictive covenants and parking easements.

(c) Frontage pavement is to be limited, and screened by evergreen frontage vegetation.

(d) Developments along the Corridor are required to construct public sidewalks, a minimum of six feet in width on both sides of the public roadway, to be connected to any existing sidewalk.

(2) Area Specific Criteria.

Properties are limited to forty-two (42) feet of pavement depth, permitting one row of parking spaces and a passing lane, between the frontage landscape strip and the primary structure. Parking in the front yard shall not extend more than two spaces beyond either wall of the primary structure. Additional frontage parking for planned centers may be considered if the center has a front setback of at least two hundred (200) feet, all landscaping criteria are met, and the center features two or more frontage outparcels. A six foot sidewalk must be installed six (6) inches from the property line along the public road and along other sides of the lot that abut public streets. Generally the sidewalk should not be closer than three (3) feet from the edge of pavement or curbing and appropriately landscaped in between.

643A.4 Landscaping.

(1) General Criteria.

(a) Landscape planning shall be integrated with the overall planning concept for any project. Therefore, the Commission shall evaluate landscape plans as to relationship to the existing landscape. The Commission shall also consider landscapes on adjacent properties and public rights-of-way, and the existing and proposed building(s).

(b) Outparcels must meet all landscaping requirements in addition to those met by the larger development.

(c) In addition to any and all other applicable regulations, the following standards apply:

(i) Existing Landscape. Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation. All existing, healthy deciduous and hardwood trees with a caliper of five or more inches at a point three feet above ground shall be retained, whenever feasible. If not feasible the tree shall be replaced with the same or similar type of tree, unless otherwise approved by the Commission.

(ii) Required Screening, Buffering, and Landscaping. Landscaping shall divide and break up the expanse of paving. Screening and buffering of objectionable views or nuisances, such as service areas, refuse containers, air conditioning units, transformers, etc, is required. Seventy-Five percent (75%) of frontage landscaping must be evergreen or perennial plant materials. Frontage strips adjacent to pavement deeper than forty-two (42) feet must be screened by 100% evergreen shrubbery and the use of berms, where appropriate.

(iii) Irrigation. Irrigation shall be installed and maintained as per an approved irrigation plan.

(iv) Vegetation and Coverage. All vegetation shall be proposed, installed, and maintained in accordance with this Ordinance. The minimum landscape buffer coverage is the sum of the areas required to meet all landscaping buffer requirements as set forth below:

a) Frontage. A landscape buffer is required along all public rights-of-way, permitting only the encroachment of driveways necessary to serve the property. Trees within the frontage area must be a minimum of three inches caliper, a minimum of one per 25 feet of linear frontage (or one per 625 sq. ft. in area on properties greater than three acres), and overstory, deciduous and/or hardwood trees. Trees may be grouped or established in a jagged line.

b) Perimeter. A landscape buffer is required alongside and to the rear of abutting property that is not public right-of-way.

c) Interior. Interior landscape buffer areas are required for all parking lots with 15 or more spaces. Not less than 12% of the interior of the parking lot must be landscaped. Islands should be a minimum of 150 sq. ft. and include at least one tree. No portion of an island less than three feet in width may be counted in the area. Landscape areas should be at least five feet deep and at least 20 feet long and include at least one tree for every 30 linear feet in length. Back-to-back parking bays, separated by landscape areas, are encouraged. One in four parking rows should be divided by a landscape area at least 15 feet in width. At least 75% of the trees located within interior landscape areas must be overstory, deciduous and/or hardwood trees.

(2) Specific Criteria.

Frontage landscape buffers must be at least 20 feet in depth. The other *perimeter* landscape buffers must

be at least 10 feet in depth. Sod is required for front yard grass areas of all properties.

643A.5 Signs

(1) General Criteria.

Since the Corridor serves as entry gateways to the City's historic, residential and undeveloped areas, signage should be compatible with the area's visual character. Restraint in sign design can limit the clutter, confusion and potential hazard associated with sign competition, while protecting the quality of the landscape. In addition to the other regulations set forth in this Ordinance, the following standards apply to signs in the Corridor:

(a) Placement. Attached signs shall be in scale with and proportional to the host building, never cover architectural features or details, and be aligned as much as possible with signs of adjacent properties. Freestanding signs shall be oriented perpendicular to traffic flow. Corner lots may choose which traffic flow to address.

(b) Materials. Signs shall be wood or metal, and other materials approved by the CDO Commission which may be painted or relief. Box cabinets are not permissible.

(c) Design Sign design may be simple or reference the City's architectural heritage.

(d) Dimensions. Ground signs are permitted provided that the sign area is no larger than 6 feet in height by 12 feet in width. Non-ground signs are prohibited.

(e) Lighting. Signs shall not be internally illuminated, but instead shall be illuminated indirectly with downward facing illumination where feasible.

643A.6 Illumination

(1) General Criteria.

(a) Control. Lighting must be controlled in height, direction, and intensity for traffic safety and to maintain the City's rural character.

(b) Awnings. No illumination of awnings is permitted.

(c) Height. Light poles shall not exceed 20 feet in height for single tenant development or 35 feet in height for multiple tenant development.

(d) Direction. Luminaries shall be shielded to prevent glare onto adjacent property.

(e) Intensity. A maximum light level of PL = 0.2 foot candles measured at ground level is permitted. Entrances to developments may be lighted exceeding 0.2 foot candles for traffic safety only. High intensity sodium vapor lights are prohibited.

Section 644 Monroe and Walton Mills Historic Overlay District (MHDO).

644.1 Intent and Purpose

The Monroe and Walton Mills Historic District (hereinafter referred to as the "MHDO District"), as defined on the City of Monroe Official Historic District Map, is an area of the City of significant historic value. The protection of the historic, cultural and aesthetic nature of the District is of great importance to the City and its citizens' general welfare. The historical significance of the District dates back to 1895 when the Monroe Cotton Mills Company was chartered and the area comprising the District was named "Carson." To promote the general welfare of the City through the protection of the historic character of the District a Monroe and Walton Mills Historic District Overlay zoning district (hereinafter referred to as "MHDO") is hereby created. The MHDO is provided as part of the city's overall housing strategy, which intends to encourage affordability, innovation and variety in housing design and site development while insuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of the population diverse in age, income, household composition, and individual needs. The MHDO design standards are intended to create a small community of dwelling units oriented around open space with clustered parking that is located to the side or rear of the project.

644.2 Applicability

The MHDO District shall be allowed in all areas located in the Monroe and Walton Mills Historic District, as defined on the City of Monroe Official Historic District Map. All MHDO developments shall be constructed on parcels of a minimum size of one acre. All MHDO developments shall contain a minimum of four (4) and a maximum of ten (10) single family dwelling units per gross acre located in a cluster-type format to encourage a sense of community among the residents.

644.3 Permitted Uses

Within a MHDO development the following uses are permitted:

(1) Single-family detached or attached dwellings;

(2) There shall be no conditional uses allowed in a MHDO development.

644.4 Density; Open Space; Set Back; Parking Requirements

(1) The maximum permitted density in MHDO developments shall be ten dwelling units per gross acre.

(2) All MHDO developments shall contain a minimum of 400 square feet of common open space per dwelling unit. At least 50 percent of the dwelling units shall abut the common open space and the common open space shall have dwelling units abutting on at least two sides.

(3) Each dwelling unit shall have a minimum set back of ten (10) feet from any adjacent property.

(4) All MHDO developments shall have set backs consistent with the form and style of set backs of similar properties in the MHDO District. Setbacks generally should be at least 15 feet from the public right of way unless surrounding forms suggest otherwise.

(5) All MHDO developments shall provide one and one-half (1.5) parking spaces per dwelling unit. In order to promote shared functional open space and access to and from the site, all parking shall be located in clusters, which provide not more than five adjoining spaces each. Parking on the MHDO development is prohibited in the front yard set back areas for those individual units which abut the common open space. Parking may be permitted to encroach upon the front yard set back areas for dwelling units which do not abut the common open area if said parking is contained in a cluster designated as off street parking. Off street parking is defined as clustered parking which is adjacent to a city maintained street and which is approved as part of the MHDO development site plan. All on-site parking other than off street parking which is adjacent to structures shall be permitted only when it is located toward the rear of the principal structure and is served by an alley or private drive specifically designated on the MHDO development site plan. A MHDO development may also provide on street parking for some of the units if the on street parking area is contiguous to the MHDO development and the MHDO development is located on a city maintained street not defined as an arterial or collector street. Any such on street parking shall be specifically designated in the MHDO development site plan, and may not encroach upon the paved width of the street, and must be specifically approved by the Code Enforcement Officer. All MHDO developments shall be permitted to utilize materials other than concrete and asphalt for driveways and parking areas for on-site parking and ingress and egress that are approved by the Code Enforcement Officer.

644.5 Dwelling Unit Size; Dwelling Unit Design; Private Open Space Requirements

(1) All single story dwelling units shall have a minimum of 800 square feet and a maximum of 1,600 square feet. All dwelling units which are one and one-half or two story shall have a minimum of 650 square feet on the first floor and a minimum combined 800 square feet for both floors. All two-story dwelling units shall contain a maximum of 1,600 square feet for both floors and a maximum of 800 square feet for the first floor.

(2) Areas of the dwelling unit that do not count toward the total floor calculation shall include unheated storage space, unheated porches or patio areas, architectural projections (such as bay windows), attached roof porches, detached garages or utility buildings and so forth.

(3) All dwelling units shall have pitched roofs with a minimum 6/12 pitch. All dwelling units shall have roofing of an architectural type asphalt shingle, metal or other similar material type roofing approved by the Code Enforcement Officer. Standard non-dimensional three tab asphalt shingles are prohibited. The maximum building height permitted for dwelling units shall be eighteen (18) feet excluding the pitched roof. The highest point of any pitched roof may not exceed twenty-five (25) feet.

(4) All dwelling units shall have a covered entry porch with a floor area measuring at least 60 square feet in size and the floor having minimum dimensions of not less than six feet in length or width.

(5) Each dwelling unit shall provide an area of private open space in both the front and the rear yards. The private open space shall separate the main entrance to the dwelling unit from the common open space so as to create a private yard area. The private open space shall be separate from the common open space with a small hedge, picket fence or other visual separation material approved by the Code Enforcement Officer. Each dwelling unit shall be provided with a minimum of 200 square feet of usable private open space and no dimension of the private open space shall be less than eight feet.

(6) In the event that a MHDO development will incorporate preexisting units, all such units shall meet the design standards and specifications contained herein and shall be renovated to meet all current building and

safety codes.

(7) All dwelling units in a MHDO development shall be constructed on crawl space and all foundation walls shall be brick veneered.

644.6 Designs Specifications; Design Review Board

All MHDO developments shall conform to the following minimum design standards:

(1) All dwelling units must have wood, cement (Hardiplank) or other similar type siding approved by the Code Enforcement Officer. Vinyl siding shall not be permitted on any MHDO development. All lap siding shall exhibit a maximum exposure of five inches.
(2) All exterior window and door trim shall be at least 3.5 inches wide on its face. All corner boards shall also be a minimum of 3.5 inches wide on its face and shall be utilized on both sides of all dwelling unit corners.
(3) Frieze boards with a width of at least 5.5 inches and rake mouldings shall be used on all dwelling units.
(4) No unpainted treated wood is allowed on any dwelling unit except for porch floors.
(5) All dwelling units shall conform to a cluster landscaping design as specifically approved by the Code Enforcement Officer. All yard areas shall be sodded.
(6) Window styles shall be consistent throughout the MHDO development.
(7) All exposed plumbing vent or other pipes shall be painted so as to minimize their visibility.
(8) All dwelling units shall have gutters unless otherwise approved by the Code Enforcement Officer.
(9) All roof overhangs shall be a minimum of 12 inches.
(10) No chain link fencing of any type shall be permitted in a MHDO development.
(11) All utilities serving the MHDO development and its dwelling units shall be underground.
(12) Dwelling units constructed on slabs are prohibited.
(13) In order to ensure that all MHDO developments conform to these requirements and the City's architectural heritage and to promote a variety of architectural styles and flexibility in building design, all MHDO District projects must be reviewed and approved by both the Code Enforcement Officer and the Chairman of the Historic Preservation Commission prior to any permits issuing regarding the construction of the project.

644.7 Program for Unified Control

All MHDO developments shall provide a legal mechanism for unified control of the entire parcel. During the development process more than one builder may participate in the development of the approved plan so long as each parcel of land within the MHDO development remains subject to all of the terms and conditions of the plan approved by the City for the parcel as a whole.

644.8 Maintenance and Protection of Land Held in Common Ownership

All MHDO developments shall provide a legal mechanism plan under which all land to be held in common ownership and used for open space purposes shall be protected and cared for in perpetuity by the Owners and/or Residents of the MHDO District Project.

Section 645 Infill Overlay District.

645.1 Intent and Purpose.

The Infill Overlay District (hereinafter referred to as the "IOD District"), is designed to infill parcels within close proximity to the Central Business District for high density single family detached dwellings to encourage in-town living with a specific focus on walkable communities close to the Central Business District. Additionally the IOD is a tool to incentivize infill on existing R1A, R2, and MH zoned parcels. The IOD District design standards are intended to create a small community of dwelling units oriented around pedestrian access, with parking and vehicular access that is located to the rear of the dwelling unit.

645.2 Applicability.

The IOD District shall be allowed in all areas zoned R1A, R2, and MH. A maximum of ten (10) single family detached dwelling units per gross acre shall be allowed. The IOD district can only be applied on parcels up to three acres in the aggregate that are zoned R1A. IOD District projects greater than three acres can be only be applied to parcels zoned R2 and MH. The maximum units for an IOD project shall not exceed 100 units per development. All existing infill will

require a total structure removal unless specific historic structures are approved to remain by the Code Enforcement Officer. All proposed developments that exceed 30 units shall be required to have open space elements included for recreation such as a pool, playground, pavilion, clubhouse/fitness center. Play courts such as but not limited to tennis, volleyball, or basketball are required.

645.3 Permitted Uses.

Within a IOD development the following uses are permitted:

(1) Single-family detached dwellings.

645.4 Density; Open Space; Set Back; Parking Requirements.

(1) The maximum permitted density in IOD developments shall be ten dwelling units per gross acre.
(2) See Table 9 for lot dimensional requirements.

Infill Overlay District (IOD) Dimensional Requirements
Table 9

Lot area, minimum	4,000 sf
Lot density, maximum	10.0 upa
Lot coverage, max	50%
Lot width, min at building line	50 ft
Lot frontage, min	50 ft.
Lot depth, min.	80 ft.
Setback, front yard (minimum)	10 ft.
Setback, side yard (minimum)	6 ft.
Setback, rear yard (minimum)	20 ft
Building height, maximum	35 ft.
Building area, minimum Square footage	1,300 sf
Building width, minimum	24 ft.

645.5 Dwelling Unit Size; Dwelling Unit Design; Site Design Elements.

(1) All dwelling units shall have a minimum of 1,300 square feet heated.
(2) Areas of the dwelling unit that do not count toward the total floor calculation shall include unheated storage space, unheated porches or patio areas, architectural projections (such as bay windows), attached roof porches, detached garages or utility buildings and so forth.
(3) All dwelling units shall have pitched roofs with a minimum 5/12 pitch. All dwelling units shall have roofing of an architectural type asphalt shingle, metal or other similar material type roofing approved by the Code Enforcement Officer. Standard non-dimensional three-tab asphalt shingles are prohibited.

(4) All dwelling units shall have a covered entry porch with a floor area measuring at least 60 square feet in size and the floor having minimum dimensions of not less than six feet in length or width.
(5) All dwelling units in an IOD development with less than thirty (30) units shall be constructed on crawl space or basements and all foundation walls shall be brick or stone veneered.
(6) No front garage approach is permitted. Rear or side approach garage entry only.
(7) All IOD developments shall have double loaded four (4) foot sidewalks on all streets.
(8) Four (4) Overstory Trees (2.5"caliper) shall be planted per lot. With two trees to be planted 2' inside the Right of Way 40' on center or variable distances to conform to unique site conditions, however, they must be more or less evenly distributed across the front lot line.
(9) No adjacent home shall have the same exterior elevations, design and floor plan.
(10) Implementation of Energy Efficient Construction Methods, then existing, as recommended and approved by the Code Enforcement Officer that exceed all then existing building code standards and requirements shall be required on all homes in the IOD development.

645.6 Design Specifications;

All IOD developments shall conform to the following minimum design standards:

(1) All dwelling units shall have brick, stone, cement (Hardiplank) or other similar type siding approved by the Code Enforcement Officer. Vinyl or metal products shall not be permitted on any IOD development.
(2) All exterior window and door trim shall be at least 3.5 inches wide on its face. All corner boards shall also be a minimum of 3.5 inches wide on its face and shall be utilized on both sides of all dwelling unit corners.
(3) Frieze boards with a width of at least 5.5 inches and rake mouldings shall be used on all dwelling units.
(4) No unpainted treated wood is allowed on any dwelling unit except for porch floors.
(5) All dwelling units shall conform to a cluster landscaping design as specifically approved by the Code Enforcement Officer. All yard areas shall be sodded.
(6) All windows shall be architectural in nature and all window styles shall be consistent throughout the IOD development.
(7) All exposed plumbing vent or other pipes shall be painted so as to minimize their visibility.
(8) All dwelling units shall have gutters unless otherwise approved by the Code Enforcement Officer.
(9) All roof overhangs shall be a minimum of 12 inches.
(10) No chain link fencing of any type shall be permitted in an IOD development.
(11) All utilities serving the IOD development and its dwelling units shall be underground.
(12) Dwelling units constructed on slab on grade are prohibited for IOD developments under 30 units.

645.7 Roads and Streets Connectivity.

Roads and streets shall comply with all existing development regulations. IOD developments over 30 units shall have multiple existing street connectivity. At a minimum two ingress and egress streets shall provide access through the development. All IOD developments shall provide for 16 foot wide rear loaded paved alleys where possible. Shared driveways with side facing or rear loaded garages may be utilized when rear loaded alleys are not possible due to the unique characteristics of topography or parcel shaping or size. Garages must always be located in the third layer, which is defined as that area no less than 20 feet behind the front leading edge of the of the dwelling, of all parcels in the IOD development, unless prohibited by the unique characteristics of topography or parcel shaping or size.

645.8 Homeowner Association.

A homeowner's association shall be established for IOD developments that exceed thirty (30) dwelling units. Membership shall be automatic and mandatory for all lot owners in the subdivision and their successors. The homeowner's association shall have the power to file liens to collect dues and assessments. The homeowner association shall be formed under the provisions of O.C.G.A § 44-3-220 et seq. (the "Georgia Property Owners' Association Act"). Documentation organizing the homeowner's association shall be provided to the City's Attorney's Office for review in conjunction with the submittal of the draft open space management plan. Approval of the organizing documentation must be received prior to final plat approval.

Section 650 Planned Development Districts: PRD, PPD, PCD, PID.

The four (4) types of planned development districts are as follows: Planned Residential Development (PRD), Planned Professional Development (PPD), Planned Commercial Development (PCD), and Planned Industrial Development (PID).

650.1 Intent and Purpose. A planned development is a flexible zoning technique under which the text of this Ordinance provides general guidelines for development, but the districts are mapped only upon approval of a developer's application for a specific planned development project. The approval process for a planned development involves rezoning the property to the particular type of planned development district sought by the applicant. The planned development districts are established for the following purposes:

(1) to encourage *larger scale planned development,* producing a logically organized and compatible set of land uses and resulting in a higher overall quality of community development than if accomplished in incremental unplanned stages;

(2) to encourage *a mixture and/or combination of land uses* not otherwise allowed in an established zoning district by careful site planning in which the appropriate site improvements are incorporated into the plan such that compatible relationships between uses within the site and uses adjacent to the site are established; and

(3) to encourage *creative site design* to a) preserve open space and unique environmental features, b) to conserve energy through efficient building design and clustering, c) to use the land efficiently, and d) to increase the efficiency of public service delivery.

650.2 General Conditions and Standards.

(1) General Conditions. An area may be considered for rezoning to planned development district if one or more of the following development types is proposed:

(a) as an *coordinated development* – where if limited to individual site specific plans and site specific uses submitted, would be permitted by right in the existing zoning in accordance with the Official Zoning Map and would be compatible in accordance with the Future Land Use Map;

(b) as a *mixed use development* – where separate land uses, not otherwise permitted within the same zoning district unless on individual sites in accordance with Section 435, are proposed for land under single ownership; or

(c) as an *alternative standards development* – where exceptions or variances from the size, setback, frontage, density, uses, or other standards required in the existing zoning district are proposed as a part of a planned development.

(2) Evaluation Chart. During consideration of whether flexible zoning may be appropriate for a site, the applicant is highly encouraged to create an evaluative chart to demonstrate the development's ability to execute the purposes for this type of zoning (see Section 650.1). This is particularly important where density and lot coverage increases are being considered.

Shared Benefits of Approving Flexible Zoning		
Purpose	Benefit to the Developer	Benefit to the Community
1	The proposed larger scale development allows: *ex. – cost reduction by creating congregate parking and stormwater facilities*	The proposed larger scale development allows: *ex. -coordinated and shared curbcuts, thereby improving traffic flow and safety*
2	The proposed mixed use development allows: *ex. – residential units above commercial storefronts, thus more sq. ft. on the site*	The proposed mixed use development allows: *ex. – offers "live, work, play" option that community does not currently have much of*
3 a-d	The proposed alternative standards allow: *ex. – the road standards are proposed for a sidewalk only on one side of the road – the original 24 units to be grouped on 1/3 of the acreage, adding 8 units in density – there is a mixture of single-family and two-unit homes in the same area – instead of 8-unit buildings, two 12-unit buildings are proposed with a connector – the lot is narrow, so a 10' setback is proposed for the side and rear*	The proposed alternative standards allow: *ex. – a trail is proposed along the creek and connects to the public sidewalk system – hardwoods area will be protected with a conservation easement – the mixture of housing allows for multiple levels of income in the same area – the development introduces a new form of senior housing to the community – the 10' setback area will have a landscape buffer, including trees, shrubs, and irrigation*

(3) Standards for Review. In addition to the standards of Section 1421.8, the Planning Commission and the Council shall consider the following standards when reviewing flexible zoning applications under this Section:
   (a) whether the zoning proposal demonstrates a clear and balanced benefit to the community as well as to the applicant that warrants the use of flexible zoning in lieu of the existing standards;
   (b) whether the zoning proposal will result in a higher overall quality of community development than if developed utilizing the existing zoning classification;
   (c) whether the applicant proposes a compatible mixture of uses on the same property and even in the same buildings; and,
   (d) whether the proposed exceptions and variances from existing development standards will achieve the itemized creative design goals and can be offset as necessary by mitigating conditions or amenities.

650.3 Uses Within a Planned Development. Any use allowable in a conventional zoning district may be proposed for inclusion in a Planned Development. Each proposed use must meet all requirements of the zoning districts in which it is allowed. Only the specific uses approved shall be allowed in the Planned Development. Any addition of uses, change of plans, or increase in size or density shall require a separate application for amendment to the original approved Planned Development and shall follow the same process as any other zoning ordinance amendment. Initial approval of a Planned Development does not grant a vested right to subsequently proposed amendments. Unless otherwise stated in this section, approved development standards and land uses shall become the standards for the subject property and, as such, shall become a part of these zoning regulations.

650.4 Special Site Requirements. The site proposed for Planned Development District classification must contain a minimum area: 1) PRD: between twelve (12) and forty-eight (48) acres, 2) PCD/PPD: between twenty-four (24) and sixty (60) acres, and 3) PID: at least twenty-four (24) acres, unless a smaller area is specifically approved by the Planning Commission and Council due to special and unusual circumstances related to the topography of the site. In no case shall any planned unit development be less than ten (10) acres. The site must abut a public street for a continuous distance of at least one hundred (100) feet.
The only exception to these size requirements shall be in the Livable Cities Initiative District. Because of the special and unique circumstances of both maximum density and unique mixture of land uses within the LCI District, proposals for Planned Development District classification in the LCI District must contain a minimum of two (2) acres. The site must abut a public street for a distance of at least seventy-five (75) feet.

650.5 Required Report and Plans.
(1) Written Report. This shall describe the land uses proposed and the type, nature, size, intent, and characteristics of the proposed development. This report shall include:
   (a) a description of the proposal including proposed uses and location;
   (b) the proposed standards for development, including restrictions on use of the property, density, setback requirements, and any proposed restrictive covenants;
   (c) an explanation of why the proposed development standards are necessary, if the proposed standards vary from existing standards in this ordinance;
   (d) plans for utilities, including water, sewer, and drainage;
   (e) traffic report, unless a more extensive traffic study is requested by the Code Enforcement Officer;
   (f) plans for protection of abutting properties, including buffers, screening, and landscaping;
   (g) data stating the total number of acres (or square feet) for every proposed use;
   (h) proposed development timetable;
   (i) for any planned development or portion thereof within an overlay district, a Certificate of Appropriateness or a letter of support from the relevant board (i.e. HPO, CDO) for the district; and,
   (j) additional data required by the Code Enforcement Officer.
(2) Required Detailed Site Plans. These shall be prepared by a registered engineer, architect, land surveyor, or landscape architect. The site plan shall bear the official registration seal of the professional(s) who prepared the plan, and shall include at a minimum:
   (a) survey of the property, indicating all property dimensions, property size, adjoining owners, scale, north arrow, and tie-in point to a known location (road intersection, land lot corner, etc.),
   (b) proposed platting (subdivision), streets, setbacks, building sites, type of use for each building site, access to the site, internal access and circulation, off-street parking areas, proposed public facilities and open areas, name of the development, and any special drainage features, and
   (c) If the proposal includes the subdivision of land for any purpose or for the provision of new public or

private streets, any additional information required under the Development Regulations. The rezoning request and the proposed subdivision of the property shall be processed simultaneously. Any requested variance from the Development Regulations shall be listed on the site plan and explained in the written report.

(3) Required Development Agreement. A draft of the development agreement between the applicant and the City of Monroe shall be submitted with the Written Report and Detailed Site Plans. The draft development agreement shall be in a form acceptable to the City Attorney and shall contain at a minimum the Written Report, Site Plans, and an itemized list of variances and mitigating conditions. The development agreement shall be finalized to include all special conditions and requirements as approved through zoning action and signed by both parties prior to the submittal of plans for plat, subdivision, or civil review; no land disturbance nor building permits shall be issued prior to execution of the development agreement by the City and the applicant/owner. The Development Agreement shall include any necessary Performance Bond and Maintenance Surety Agreements necessary to ensure completion of all City Street and Public Right of Ways to be completed within the Development.

650.6 Classification of Planned Development Districts. Planned development districts shall be classified by the principal use proposed for the subject property. If a mixture of uses is proposed and no principal use is clearly identified, the Planned
Development can be made up of a combination of types of Planned Developments. Plat approval, permit issuance and development within any Planned Development District requires rezoning, and subdivision approval in accordance with the Development Regulations.

Section 651 Planned Residential District (PRD).

Planned Residential Development is intended to allow greater flexibility in the placement, arrangement, and orientation of residential structures, the subdivision of land, and the grouping of open space and accessory facilities, such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, and multi-family) according to a carefully drawn plan. The proposed development should make maximum use of natural features and, through proper site planning measures, should conform to the existing character and development pattern of the surrounding area. The development shall protect any existing residential uses from adverse impacts. In addition to the requirements of Section 650.5 above, the written report and site plans shall also include information that addresses the following:

(1) The proposed size, location, number of units and number of bedrooms of all residential structures shall be noted.
(2) Any streets and common open spaces not proposed for dedication to the City of Monroe shall have the proposed maintenance and ownership agreements explained in detail.
(3) The architectural style and proposed site of all residential structures shall be indicated.
(4) The development controls for the subject property shall be shown (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If standards are not specifically proposed, then the applicable standards in the R1 District (Large Lot Residential District) shall apply.
(5) Limited commercial uses may be included within the Planned Residential Development that are primarily intended to serve residential dwellings within walking distance. Construction of any approved commercial portion must occur at the same time as the construction of the residential development.

Section 652 Planned Professional District (PPD).

(1) Intent. A Planned Professional Development must provide orderly, well-designed, office and institutional development in a manner that results in minimum impact upon the surrounding area. The site plans and building designs must maximize efficient utilization of space, maintain a low-intensity office character, be protected from more intensive commercial and industrial development, and buffer any nearby residential uses. Such a development may also include a limited amount of retail commercial and residential uses.
(2) Additional Data Required. In addition to the information required by Section 650.5, the following is required:
    (a) The site plan shall indicate the proposed size, location and number of stories.
    (b) The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If specific standards are not proposed, the applicable standards in the Professional District (P) shall apply.
    (c) If residential or commercial uses are proposed in conjunction with the Planned Professional Development, then the applicable information required for Planned Residential Developments or

Planned Commercial Developments shall be provided.

Section 653 Planned Commercial District (PCD).

(1) Intent. A Planned Commercial Development emphasizes commercial usage of property while employing quality site planning and development controls to ensure protection of surrounding residential uses, traffic safety, minimum traffic congestion, and consistency with the long range land use plan. A limited number of residential and professional uses may be proposed for a Planned Commercial Development.

(2) Additional Data Required. In addition to the information required by Section 650.5, the written report and site plans shall also meet the following requirements:

(a) The site plan shall indicate the proposed size, location and number of stories of each commercial structure.

(b) All curb cuts, the number and location of all parking spaces, and all loading and no parking areas shall be shown in detail.

(c) The proposed location and type of all buffers shall be shown and described.

(d) The location, number, size and height of all proposed exterior lighting, signs, or identification graphics shall be indicated.

(e) The type and number of all uses proposed for the Planned Commercial Development shall be indicated.

(f) The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If standards are not specifically proposed, then the applicable standards in the General Commercial (B-3) District shall apply.

(g) If residential uses are proposed in conjunction with the Planned Commercial Development, the applicable information required for Planned Residential Developments shall be provided.

Section 654 Planned Industrial District (PID).

(1) Intent. A Planned Industrial Development is a planned, organized and controlled development of multiple, but compatible, industrial uses in a planned industrial park. The standards encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses. Carefully planned office and commercial uses may be incorporated as part of a Planned Industrial Development.

(2) Additional Data Required. In addition to the information required by Section 650.5 above, the written report and site plans shall also meet the following requirements:

(a) The site plan shall indicate the proposed site preparation and grading; streets and rail facilities; outdoor storage areas; and size, location, and number of stories of each commercial structure.

(b) All curb cuts, the number and location of all parking spaces, and all loading and no parking areas shall be shown in detail.

(c) The proposed location and type of all buffers shall be shown and described.

(d) The location, number, size and height of all proposed exterior lighting, signs, or identification graphics shall be depicted.

(e) The type and number of all uses proposed for the Planned Industrial Development shall be indicated, including disclosure as to whether any of the proposed industries use large quantities of hazardous materials or produce hazardous wastes in quantities that would require regulation by the Georgia Department of Natural Resources, EPD & EPA.

(f) The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If standards are not specifically proposed, then the applicable standards in Light Industrial / Limited Commercial District (M-1) shall apply.

(g) If office or commercial uses are proposed in conjunction with the Planned Industrial Development, the applicable information required for Planned Office Development or Planned Commercial Development shall be provided.

Section 655 Design Standards and Criteria for Planned Development Districts.

While not all design standards and criteria can be or are listed herein, the Planning Commission and Council, when considering an application for rezone as a Planned Development District should take into account the following Design Standards and Criteria in all Planned Development Districts, except Planned Industrial Districts:

(1) Parking facilities in the front lot is highly discouraged and should be utilized only in rare circumstances. When front lot parking is utilized it should be limited and appropriately screened from public right of ways with landscaping strips including evergreen screens and berms where appropriate.

(2) Vast expanses of asphalt/concrete parking lots visible from the public right of ways are not favorable and should be avoided. Parking should be concentrated in the side lots and rear lot. Parking areas should be interspersed with appropriate landscaping islands, buffers and strips.
(3) Walkability of all parcels should be a priority in planning and design.
(4) Interconnectivity of all parcels and uses should be a priority in planning and design.
(5) Building setbacks should be in conformity with the surrounding areas and take into consideration the traditional and historic building and development patterns of the City. Deep front setbacks are discouraged in all areas and strictly prohibited in key historic areas of the downtown core. Zero lot line setbacks are encouraged throughout the appropriate areas of the City core.
(6) Street trees along with appropriate approved landscape plans must be considered in planning and design.
(7) All Planned Development Districts should utilize sidewalk lined streets in all areas, with sidewalks on both side of the streets, except where not feasible due to topography limitations. Sidewalks should generally be a minimum of 5 feet in width and placed a minimum of two feet from the back of curb of the road with a landscaped planter strip located between.
(8) All Planned Development Districts should utilize common lighting fixtures and hardscape materials such as benches, planters and trash receptacles, consistent with prevailing fixtures and materials recommended by the Code Enforcement Officer.
(9) Mixed form of residential dwelling units is highly encouraged. Attached and detached single family units along with multi-family units can coexist harmoniously in close proximity.
(10) Retail, professional, commercial, civic and residential uses are encouraged, with proper planning, to coexist harmoniously in close proximity, including developments built around the general concepts of "Live-Work-Play" and "Walkable Communities."
(11) Traditional Neighborhood Development designs and criteria are encouraged in Planned Residential Developments, including the use of rear alley drives.
(12) Front facing garages, cul-de-sacs and residential developments not well interconnected to existing city streets are to be avoided in Planned Residential Developments.
(13) Vinyl siding and metal sided "butler building" style construction should not be allowed in any Planned Development District. Building materials should consist of brick, wood and masonry products that promote the traditional and historic design standards that are predominant in the core of the City.

Tables 10 – Reserved.

ARTICLE VII: DIMENSIONAL REQUIRMENTS AND EXCEPTIONS

Section 700 Charts of Dimensional Requirements.

This Article is established to show the lot, yard, and building dimensional requirements for land uses within each district. For dimensional requirements and exceptions for Planned Development Districts, see Sections 650 – 655.

Section 700.1 R1, R1A, R2, MH Dimensional Requirements.

The following chart delineates dimensional requirements for the specified residential zoning districts. For the chart of use provisions by district, see Article VI. For supplementary standards for specific uses, see Article X.

Section 700.1: Table 11-Residential Zoning District Dimensional Requirements

	R1	R1A	R2	MH
LOT	See Note (8)	See Note (8)	See Note (8)	See Notes (2), (8)
Lot area, min (1)	14,000 sf See Note (7)	10,000 sf See Note (7)	5 acres See note (9)	10 acres
Lot density, maximum	3.0 upa	4.0 upa	6.0 upa See note (6)	4.0 upa
Lot coverage, max	40%	40%	40%	40%
Lot width, min at building line	100 ft.	75 ft.	150 ft.	200 ft.
Lot frontage, min	75 ft.	50 ft.	150 ft.	200 ft.
YARD				
Setback, front yard(min) highways and arterials	40 ft. min See note (3)	40 ft. min See note (3)	40 ft. min See note (3)	50 ft. min See note (3)
Setback, front yard (min) collectors and other streets	30 ft. min See note (3)	10 ft. min See note (3)	30 ft.	50 ft.
Setback, side yard (min)	10 ft. min	10 ft. min	25 ft. See note (4)	50 ft. See note (4)
Setback, rear yard (min)	25 ft	25 ft.	50 ft.	50 ft.
BUILDING				
Building height, max See note(5)	35 ft.	35ft.	35 ft.	35 ft.
Building area, min square footage	1,600 sf	1,500 sf.	800 sf-1-bedroom 1000 sf-2 bedroom 1,200 sf-3	800 sf. 1 bedroom 1000 sf. 2 bedroom 1200 sf. 3 bedroom
Building width, min	24ft.	24ft.	16ft.	16ft.

Notes for Table 11, Section 700.1

(1) Encompasses area for accessory buildings and uses, including parking, loading and unloading space, storage and parking, screening, lighting, and stormwater management measures. The minimum lot area cited in this Article

shall be increased in all situations where public sanitary sewer service is not utilized and the Walton County Health Department requires a larger lot for proper septic tank operation.

(2) Area requirements for manufactured home parks and individual manufactured home spaces within parks are set forth in Section 1045.

(3) Front building line shall conform to the mean building line established by existing buildings along a developed block. For properties located with overlay districts (HPO and CDO), the frontage setbacks are established by the designated design review board to maintain the most compatible building line along a historic block or design corridor.

(4) Attached dwelling unit buildings must also have a twenty (20) foot setback between buildings on the property; for townhouses the twenty (20) foot setback is applied between buildings and not between individual dwelling units.

(5) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt.

(6) The maximum lot density may be increased to 10 upa for multi-family dwelling developments at the discretion of and after submission of site review and approval by the Planning Commission. In addition, the maximum number of dwelling units per building may be increased from 8 to 24 units per building. In order for a multi-family dwelling development to be granted said increase in maximum lot density and per building capacity, the development should contain a minimum of five of the following site and use features:

(a) Approved comprehensive landscape plan including the use of significant ornamental landscaping materials.
(b) Increased side and rear landscaped buffers to minimize impact of the development on any single family residential uses adjacent to the development.
(c) Onsite Property Management providing a minimum of 20 hours per week of onsite management
(d) Use of the services of a POST certified law enforcement officer to serve as a "Courtesy Officer" for the development.
(e) Controlled access gates at all entrances to the development.
(f) Common trash refuse compactor for resident use only properly blinded from view.
(g) Common central mail receptacle for the development approved by the Postmaster.

Further, the development should provide for the installation and continued maintenance and upkeep of six of the following amenities for use by residents of the development:

(a) Swimming Pool
(b) Children's Playground
(c) Pavilion at least 100 sq ft in size and a grassed picnic area at least 1,000 sq ft in size
(d) Tennis Court(s)
(e) Onsite Laundry Facility
(f) Onsite Indoor Fitness Center
(g) Indoor Community Center/Clubhouse
(h) Indoor Theater Room
(i) Business Center

Further, the development should incorporate at least four of the following architectural design standards and guidelines:

(a) Brick, wood or masonry siding on all sides of all building. Vinyl and/or metal siding shall not be permitted.
(b) Varied shading of brick and siding colors to provide pleasing aesthetics.
(c) Varied fenestration and elevations and roof pitches.
(d) Three Dimensional Architectural Asphalt Roof Shingles.
(e) Wood and No Rot Composite trim boards only for corner boards, frieze boards and soffet trim (No vinyl siding components on exterior)
(f) Implementation of Energy Efficient Construction Methods, then existing, as recommended and approved by the Code Enforcement Officer that exceed all then existing building code standards and requirements.

(7) All R1 and R1A proposed developments that exceed 100 dwelling units shall be required to have a minimum of 15% gross acreage dedicated to common area open space with a minimum of three (3) of the following amenities for recreation; pool, playground, pavilion, clubhouse/fitness center, Play courts such as but not limited to tennis, volleyball, or basketball.

(8) All proposed developments (R1, R1A, R2 and MH) over thirty (30) dwelling units shall be required to complete an “Impact Study” as prescribed by the Code Enforcement Officer to address the proposed

development's impact on the community including its impact on vehicular traffic, utilities, and school system capacity.

(9) The minimum lot size for all single-family homes located in R2 zoned property shall comply with all dimensional requirements of the R1A district.

700.2 P, CBD, B-1, B-2 and B-3 Dimensional Requirements: The following table delineates dimensional requirements for the specified commercial zoning districts. For the matrix of use provisions by district, see Article VI. For supplementary standards for specific uses, see Article X. For allowed residential uses in commercial zoning districts, the dimensional requirements of the corresponding residential district shall apply.

Section 700.2: Table 12 – Commercial Zoning District Dimensional Requirements

	P	B1	CBD	B2	B3
LOT					
Lot area, min (1)	7,500 sq.ft.	7,500 sq.ft.	none	None(7)	None(7)
Lot coverage, max	50%	50%	100%	60%	60 %
Lot width, min	60 ft.	60 ft.	30 ft.	60 ft.	100 ft.
Lot frontage, min	60 ft.	60 ft.	30 ft.	60 ft.	100 ft.
YARD					
Setback, front yard (2)	25 ft.	25 ft.	0 ft.	25 ft.	35 ft.
Setback, side yard, min (3)	10 ft.	15 ft.	0 ft.	15 ft. (4)	15 ft. (5)
Setback, rear yard, min	20 ft.	20 ft.	0 ft.	20 ft. (4)	20 ft. (5)
BUILDING					
Building height, max (6)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Building ground floor area, min sq footage required	1,000 sq.ft.	1,000 sq.ft.	750 sq. ft.	1,000 sq.ft.	2,000 sq.ft.

(1) Encompasses area for accessory buildings and uses, including parking, loading and unloading space, storage and parking, screening, lighting, and stormwater management measures. The minimum lot area cited in this Article shall be increased in all situations where public sanitary sewer service is not utilized and the Walton County Health Department requires a larger lot for proper septic tank operation.

(2) For properties within the HPO or CDO overlay districts, the setback is established by the designated design review board to maintain the established building line along a historic block or design corridor.

(3) On corner lots that abut a residential district or use, there shall be a side yard equal in depth to the required front yard of the residential district.

(4) A ten (10) foot landscaped and fenced opaque buffer strip or berm is required if lot abuts residential district or use.

(5) A twenty-five (25) foot landscaped and fenced opaque buffer strip or berm is required if lot abuts residential district or use.

(6) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt.

(7) Minimum lot size for single family homes shall comply with the requirements for R1A districts.

700.3 M-1 Dimensional Requirements: The following table delineates the dimensional requirements for the M-1 industrial zoning district. For the matrix of use provisions for this district, see Article VI. For supplementary standards for specific uses, see Article X.

Section 700.3: Table 13-Industrial Zoning District Dimensional Requirements

	M-1
LOT	
Lot area, min(1)	3 acres
Lot Width, min	150 ft.
Lot frontage, min	150 ft.
YARD	
Setback, front yard(2)	100 ft.
Setback, side yard (3)(4)	50 ft.
Setback, rear yard (3)(4)	75 ft.

BUILDING	
Building height, max(5)	75 ft.
Building ground floor area, min	3,500 sq ft

(1) Encompasses area for accessory buildings and uses, including parking, loading and unloading space, storage and parking, screening, lighting, and stormwater management measures. The minimum lot area cited in this Article shall be increased in all situations where sanitary sewer service is not utilized and the Walton County Health Department requires a larger lot for proper septic tank operation.
(2) For properties within the HPO and CDO overlay districts, the setback is established by the designated design review board to maintain the established building line along a historic block or design corridor.
(3) On corner lots which abut a residential or commercial district or use, there shall be a side yard equal in depth to the required front yard of the abutting residential or commercial district.
(4) A twenty-five (25) foot landscaped and fenced opaque buffer strip or berm is required if lot abuts any property not zoned M-1.
(5) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt.

Section 710 Exceptions and Modifications.

710.1 Front Yard Setback for Dwellings. The front yard setback requirements of this Ordinance for dwellings shall not apply to a lot if: the average setback of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district, and fronting on the same side of the street, is less than the minimum required setbacks of that district. In such case, the front yard setback may be less than the required setback, but not less than the average of the existing setbacks on the abutting developed lots.

710.2 Height Limits. The height limits listed in this Article shall not apply to structures not intended for human occupancy such as church spires, flagpoles, chimneys, monuments, radio or television towers or aerials, water towers, or similar structures. However, the height limits shall apply to signs. The heights of telecommunications towers and antennas are governed by Article XI.

710.3 Corner Lots. The side yard setback requirements for corner lots shall be the same as the front yard requirement for adjoining lots on the same street.

710.4 Front Yards on a Double Frontage. At each end of a double frontage lot, there shall be a front yard of the depth required by this Ordinance, for the zone in which each street frontage is located. If a double frontage lot also has frontage on a third street, the non street frontage yard must be declared the rear yard, and any main building or accessory structures shall comply with the rear yard setback line.

ARTICLE VIII: SITE DESIGN

Reserved.

ARTICLE IX: BUILDING DESIGN

Section 900 General.

This Article is established to ensure that building design standards are developed for certain zoning districts within the City. These building design standards are implemented to promote and encourage quality building construction and design elements consistent with the desired construction styles that promote the best interests of the residents of Monroe.

Section 910 Residential Building Design Standards.

910.1 Single and Two Family Dwellings.

The following building design standards shall apply to all single and two family dwelling units constructed in the City, regardless of their zoning district:

(1) All dwellings shall be constructed of brick, stone or other masonry type product. Cement based siding such as Hardiplank or other similar material is permitted. Vinyl and aluminum siding is prohibited. Vinyl or aluminum may be utilized on a limited basis in the soffit and eave trim areas.
(2) All primary roofs shall have a minimum 5/12 pitch. Dormer and porch roofs may have lower slopes.
(3) No exposed unpainted wood is allowed on the front façade of any dwelling except porch flooring boards.
(4) All garage doors must be side or rear facing except in cul-de-sac lots where lot widths would prohibit side or rear entry.

910.2 Multi Family Dwellings.

All multi-family dwellings located in the City shall be constructed with brick veneers.

ARTICLE X: SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

Section 1000 Accessory Structures and Uses.

1000.1 Accessory Structures – General. Accessory structures shall include all detached (meaning freestanding and independent) structures, regardless of use. Structures attached to the principal building in a substantial manner by an adjoining roof, wall or foundation are considered additions and must meet requirements applicable to the principal building. Accessory structures shall be permitted provided that:

(1) No accessory building shall be constructed on a lot prior to the time of the construction of the principal building to which it is an accessory.
(2) Accessory buildings are permitted in the side or rear yards only.
(3) Accessory buildings shall not exceed twenty-five (25) feet in height and shall not exceed fifty percent (50%) of the heated floor area of the principal structure.
(4) Accessory buildings shall have a setback of at least five (5) feet from any lot line and shall maintain a minimum distance of at least five (5) feet from the principal building.
(5) Agricultural and industrial-related structures shall not have to meet the size requirements and limitations of this section, but are covered by the setback requirements.
(6) Any number of accessory buildings may be placed on a parcel, except that the aggregate square footage of accessory buildings shall not exceed that allowed in Subsection (3) above.

1000.2 Accessory Uses – General. An accessory use shall be permitted provided that:

(1) No accessory use may be started where the principal use of a property is non-conforming.
(2) Uses classified as permitted uses within the same zoning district as the principal use of property, may be permitted as accessory uses.
(3) Any property owner seeking to establish an accessory use shall apply to register with the Code Enforcement Officer pursuant to Section 1000.10. At the request and recommendation of the Code Enforcement Officer, the Council may impose any reasonable conditions deemed necessary to ensure the orderly operation of the accessory use, and compatibility with surrounding properties.

1000.3 Home Occupations. This Section establishes five (5) accessory use categories where the principal use of a single-family dwelling unit is complemented with an accessory use for a home-based enterprise subject to certain conditions in order to protect single-family neighborhoods and their residential character.
A home occupation may be permitted provided that:

(1) Any property owner seeking to establish a home occupation shall apply to register the home occupation with the Code Enforcement Officer pursuant to Section 1000.10. In addition to the requirements outlined below, the Council may place any reasonable conditions on the application deemed necessary to ensure the orderly operation of the proposed home occupation and compatibility with surrounding properties.
(2) Home occupations shall be conducted on residentially zoned property entirely within a totally enclosed building.
(3) Home occupations shall not include the repair and/or maintenance of engines, motor vehicles, equipment, or large appliances on the premises; any use that creates noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit; nor any use that may endanger the health, safety, or welfare of the neighborhood.
(4) Home occupations shall not include any outside storage or services (Section 1000.5), display (Section 1000.6), or signs (Article XII) unless outlined therein. Nor shall there be any other exterior evidence of a business being conducted on the premises.
(5) Home occupations shall be limited to only one (1) commercial vehicle used exclusively by the resident for business purposes, that is either a passenger automobile or light truck. All parking areas shall be in compliance with Section 520, with the location to be approved by the Code Enforcement Officer.
(6) Home occupations shall be limited to two (2) pickups/deliveries per day to the site by light or medium truck delivery vehicles. Heavy truck deliveries are prohibited. All loading/unloading areas shall be in compliance with Section 530, with the location to be approved by the Code Enforcement Officer.
(7) Home occupations shall be limited to one per dwelling unit. For the purposes of this section, accessory uses shall not be allowed to have accessory home occupations.

1000.3.1 Additional Minimum Requirements – Home Office. A home office:

(a) shall include: i) routine accounting or clerical procedures or ii) bookkeeping area for a business fully conducted away from the premises, so long as all other standards of this section are met;

(b) shall not include: i) the sale, manufacture, or repair of merchandise; ii) the storage of inventory, raw materials or other materials; iii) the parking of commercial vehicles in front yards; iv) nor the repair of small appliances on the premises;
(c) shall be valid for a tenant of the property if the property owner provides written approval for a home occupation;
(d) shall not include any access for business by the public;
(e) shall be limited to no more than twenty-five percent (25%) of the heated living area of the ground floor area of the principal structure or five hundred (500) square feet, whichever is smaller; and,
(f) shall have no employees other than family members who reside in the dwelling unit.
(g) shall also be allowed for multi-family units, provided that there is no usage of a either commercial vehicle or delivery vehicles.

1000.3.2 Additional Minimum Requirements – Residential Business. A residential business:
(a) shall include: small-scale office or service uses, limited to: (i) beauty/barber shops, tailor / seamstress shops, instruction of less than three pupils a session; (ii) professional offices, excluding human and animal healthcare professionals; and (iii) small appliance and audio/video/computer equipment repair shops;
(b) shall be valid as long as the dwelling unit is owner-occupied;
(c) shall maintain a valid occupational tax certificate, subject to annual renewal in accordance with the minimum operational standards set forth in the Code of Ordinances, Chapter 90, Article IV;
(d) shall not include any business involving group instruction, except as noted above, on the premises;
(e) shall be limited to no more than thirty-five percent (35%) of the heated living area of the ground floor area of the principal structure or seven hundred (700) square feet, whichever is smaller; and,
(f) shall have no more than one (1) employee in addition to family members who reside in the dwelling unit.

1000.3.3 Additional Minimum Requirements – Bed & Breakfast Operation. A bed and breakfast operation shall be allowed only under these prescribed conditions:
(a) shall not include: i) pets of guests; ii) meal service other than breakfast or cooking by guests; iv) sale of alcoholic beverages, beer and/or wine on the premises;
(b) shall be valid as long as the dwelling unit is owner-occupied and lived in by the owner(s) described in Section 200(10) while in operation;
(c) shall maintain a valid city license, subject to annual renewal in accordance with the minimum operational standards set forth in the Code of Ordinances, Chapter 22, Article III;
(d) shall be limited to detached single-family dwellings containing at least 2,500 sq.ft. and a minimum lot acreage of .75 acres for one (1) guest room, and an additional .125 acres for every additional guest room;
(e) shall have no more than four (4) bedrooms used for guest room purposes;
(f) shall have two (2) parking spaces for residents and one (1) space per guest room; such parking shall be of pervious construction and mitigated by landscaping; and, no parking in the front yard shall be permitted at any time;
(g) shall have no more than one (1) employee in addition to family members who reside in the dwelling unit;
(h) Conditional Use – Standards for Consideration: In addition to the standards for conditional use application decisions as set forth in Section 1425.5, the Council shall specifically take into consideration in making a decision the extent to which:
    i) construction plans for additions or alterations are compatible in appearance, scale and footprint to other single-family dwellings along the same block;
    ii) parking is mitigated by existing and proposed landscaping and easily reversible at the cessation of this accessory use;
    iii) the proposed accessory use is secondary to the principal use, is reversible in nature, and operates in harmony with the principal single-family use and surrounding residential area; and,
    iv) any other considerations necessary to protect the health, safety, and welfare of an established single-family zoning district.

1000.3.4 Additional Minimum Requirements – Child Care Home. Reserved.

1000.3.5 Additional Minimum Requirements – Personal Care Home. Reserved.

1000.4 Home Recreation – Swimming Pools and Tennis Courts.

(1) Such accessory structures shall not be located closer than five feet (5) from any property line.
(2) Swimming pools shall be enclosed by a wall or fence at least four (4) feet in height prior to the pool being placed into service.
(3) Swimming pools require prior approval from the Walton County Health Department.

1000.5 Outdoor/Outside Storage or Services. Except as exempted herein or otherwise provided for in this Ordinance, all businesses, servicing, storage, or processing shall be conducted within a completely enclosed building with the exception of where the nature of the activity makes it impossible (e.g. product delivery). Outside storage of inoperable vehicles and inoperable appliances is specifically prohibited. The following are exempt provided that such are not located in the front yard and are screened from the public right-of-way in accordance with Section 550:

(1) Animal kennels or pens for commercial enterprises within the M-1 district, provided that fencing is not less than seven (7) feet in height;
(2) Equipment (small and heavy) and material storage yards, including but not limited to construction materials, plant materials, lawn and garden products and equipment, rental equipment, and farm implements;
(3) Recreational areas, buildings, and equipment for non-residential uses;
(4) Refuse areas and containers, see also Development Regulations; and,
(5) Vending machines, provided that they are located beneath an overhang and not in front of a building. Such vending machines are also exempt from the above screening requirements provided that they are not visible from the public right-of-way.

1000.6 Outdoor/Outside Display of Products.

Except as exempted herein or otherwise provided for in this Ordinance, there shall be no outside display of products, meaning goods, wares, or merchandise, for sales purposes or advertisement purposes. This shall include without limitation seasonal produce, garden and yard ornaments, outbuildings, recreational equipment sales yards, and vending machines. Exemptions are limited to the following:

(1) motor vehicle sales yards, including but not limited to passenger vehicles (automobiles and light trucks), recreational vehicles, all terrain or off-road vehicles, boats, motorcycles, provided that all landscaping and buffer requirements are met;
(2) manufactured homes sales yards, provided that all landscaping and buffering requirements are met;
(3) heavy equipment sales yards, provided that all landscaping and buffering requirements are met;
(4) temporary uses, operated entirely beneath a temporary structure in accordance with Section 1000.9;
(5) special events (e.g. Monroe Fest, farmer's market) in the Downtown Development Area, during the designated date and time periods established by the Mayor and Council or City Staff; and,
(6) upon the public right-of-way in the Downtown Development Area at the permission of the Code Enforcement Officer, provided that the public safety is preserved at all times.

1000.6.1 Sidewalk Displays

(a) The sidewalk display of wares, signs or merchandise is hereby authorized by permit issued by the Code Enforcement Officer in accordance with the following provisions:
    (i) Each request for such display shall be in writing with a location sketch drawn to scale showing the proposed display areas and all obstructions such as trees, trash cans, et cetera.
    (ii) The sidewalk display of wares, signs or merchandise shall not obstruct any exit way to the open street nor obstruct any parking or parking access.
    (iii) No display or sign shall be placed on the sidewalk within 20 feet of an intersection of right of ways.
    (iv) A five-foot uninterrupted passageway shall be maintained at all times.
    (v) Display shall be a minimum of 18 inches from the curb.
    (vi) Displays shall not be stacked.
    (vii) Only one sidewalk sign per storefront will be allowed and must be next to the building.
    (viii) Vending machines other than for newspapers are not allowed.
(b) The code enforcement officer will review and approve all applications that comply with these regulations. Application must be made annually.
(c) Upon approval of application a certificate of liability insurance showing the City of Monroe as an

additional named insured in the amount of $1,000,000.00 shall be required before a permit is issued.

(d) All curbside displays of wares and merchandise shall be removed from the sidewalk prior to closing time of the business.

(e) Suspension or revocation of permit.

(i) Any business that continues to disregard any sidewalk display regulation after one written warning within any six month period shall have the sidewalk display privileges revoked for a period of 12 months.

(ii) Any business that fails to maintain occupation tax certificate or ad valorem tax in a current condition shall have the sidewalk display privileges revoked for a period of 12 months.

1000.7 Onsite Fuel Pump

(1) Location – An onsite fuel station that has been granted as an accessory shall meet the following conditions unless otherwise specified by the Council as a part of a zoning action.

(a) Any pump shall be located on at least a 2 acre parcel.

(b) Any pump shall be located at least 75 feet from any road centerline.

(c) Any pump must be located at least 25 feet from any property line and primary structure.

(2) Other Requirements

(a) Only vehicles belonging to the business operating out of the primary structure may use the pump(s).

(b) The pump must be run in compliance with all appropriate State, Federal, and local laws.

1000.8 Residential -Accessory Apartments and Accessory Dwellings

(1) Accessory Apartments. An accessory apartment is permitted provided that:

(a) Any property owner seeking to establish an accessory apartment shall apply to register the apartment with the Code Enforcement Officer pursuant to Section 1000.10.

(b) The accessory apartment shall have the same ownership as the principal building.

(c) One or more accessory apartments may be located in a single principal building, provided that no ground level floor is used for residential purposes.

(d) Each accessory apartment shall be limited to between three and eight hundred (300–800) square feet of heated living area; the Code Enforcement Officer may allow increased size in order to efficiently use all of the existing floor area, so long as all other standards of this section are met.

(e) Accessory apartments may share an exterior access door and common areas.

(2) Accessory Dwelling Unit. An accessory dwelling unit is permitted provided that:

(a) Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the Code Enforcement Officer pursuant to Section 1000.10.

(b) The accessory dwelling unit shall have the same ownership as the single-family dwelling.

(c) Either the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property, and does not rent out the owner-occupied dwelling unit.

(d) No lot shall have more than one (1) accessory dwelling unit. An accessory dwelling unit precludes a residential business or a bed and breakfast establishment.

(e) The accessory dwelling unit shall be limited to between three and eight (300–800) square feet of heated living area. If the accessory unit is located within an existing accessory building, the Code Enforcement Officer may allow increased size in order to efficiently use all of the existing floor area, so long as all other standards of this section are met.

(f) Accessory dwelling units located in accessory buildings shall also meet the requirements of Section 1000.1.

1000.9 Temporary Buildings

(1) Construction Sites. Temporary buildings, used only in conjunction with construction or land subdivision development, may be permitted in any district but shall be removed immediately upon completion of construction. Temporary buildings require the written approval of the Code Enforcement Officer, and a temporary building permit is valid for a period of six (6) months.

(2) Residential Sites. Under no circumstances shall a temporary building be used for residential purposes.

(3) Temporary Structures. Tents and similar structures may be authorized for temporary use not to exceed thirty (30) days, for special purposes related to the principal use of the main building or lot. The written approval of the Code Enforcement Officer shall be required, unless the temporary structure is used for a funeral. The Code Enforcement Officer shall not issue more than twelve (12) temporary permits for such structures during a calendar year for any lot, unless authorization is granted by the City Council to allow additional permit(s).

Provided, however, Special Events Facilities (as defined in the City of Monroe Code of Ordinances) shall be allowed to apply for an annual permit to erect tents or similar temporary structures. Said permit shall allow the permit holder to erect tents or similar temporary structures at any time during the calendar year, with the following limitations:

(1) All tents or temporary structures erected pursuant to an annual permit shall be erected in accordance with manufacturer's recommendation no sooner than 48 hours prior to the beginning of an event that requires the use of a temporary structure and shall be taken down no later than 48 hours after the end of that event, except that:
    a. If two contracted events are scheduled within eight (8) calendar days of each other, it shall not be necessary to take tents or temporary structures down between those events – subject to the limits from paragraph (1)(b) below.
    b. In no case shall the exceptions allowed by paragraph (1)(a) above be allowed to more than three (3) consecutive weeks.
(2) No tent or temporary structure may be erected within forty eight (48) hours of any tent or structure being taken down on the same premises.
(3) The style and design of any and all tents and temporary structures to be erected during the permit year shall be submitted to the City Code office for approval with the permit application. Tents and temporary structures shall be maintained in good condition as to present a neat and orderly appearance. The City may, after due notice, issue a citation to any permittee for any tent or temporary structure, which shows gross neglect or becomes dilapidated. Such due notice shall specify the tent or temporary structure and location, and shall state that the tent or temporary structure has not been properly maintained. The City shall give the permittee ten (10) days to rectify the condition or remove the dilapidated tent or temporary structure before issuing a citation.
(4) Annual permits will expire at midnight, December 31, of the calendar year in which they were issued.

(4) Temporary Structures in Parking Lots. If such structure would prevent adequate parking or pose a traffic hazard, the Code Enforcement Officer may deny a permit.

1000.10 Accessory Uses -Inspection and Registration. The purpose of inspection and registration is to prevent the spread of non-conforming accessory uses.

(1) Registration. Any property owner seeking to establish an accessory use shall apply to register the use with the Code Enforcement Officer. The property owner shall file a completed application form fully describing the proposed accessory use.
(2) Inspection. After receipt of a complete application form, prior to approval and registration of any accessory use, the City shall inspect the property to confirm all applicable requirements of this Ordinance are met.
(3) Report to the City Council. The Code Enforcement Officer shall report annually to the Council on accessory use registration, number of uses and distribution throughout the city, average size of accessory buildings, and number and any type of complaint and enforcement related actions.
(4) Cancellation of Registration. Cancellation of the accessory use's registration may be accomplished by the property owner filing a certificate with the Code Enforcement Officer, or may occur as a result of enforcement action. A cancellation letter due to enforcement action will confirm that the use is not a customary and incidental accessory use.

Section 1010 Reserved.

Section 1020 Cemeteries.

(1) Cemeteries, where permitted, are conditional uses requiring a public hearing prior to approval in accordance with Section 1425.
(2) The site shall not interfere with development of collector or larger streets in the vicinity of such site, and the site shall have direct access to a public street.
(3) Any new cemetery shall contain not less than ten (10) acres.
(4) All structures shall be set back no less than fifty (50) feet from any property line.
(5) All graves or burial lots shall be set back not less than fifty (50) feet from any minor street right-of-way lines and not less than seventy-five (75) feet from any collector, arterial or highway right-of-way line.

(6) The entire cemetery shall be landscaped and maintained in accordance with Section 550.

Section 1030 Reserved.

Section 1031 Archery Range or Firing Range.

(1) The most recent edition of the National Rifle Association Range Source Book shall serve as a guide for development purposes in the issuance of a Conditional Use permit for an archery range or firing range. The Mayor and Council may place additional restrictions on this use at the time of any grant of a Conditional Use permit.
(2) Retail sale of firearms, ammunition, accessories, and similar items and/or bows, arrows, accessories, and similar items is permitted provided that the indoor range allows their use.

Section 1040 Individual Manufactured Homes.

Individual mobile or manufactured homes not meeting the definition of Dwelling, Single-Family, detached, shall comply with the following and other applicable sections of this ordinance. For purposes of this section, all rules governing Manufactured Homes shall apply to Mobile Homes.
1040.1 Definitions. Terms used herein are defined below.
(1) APPLICANT: Means any person seeking to install a new or pre-owned manufactured home in Monroe.
(2) INSTALL: Means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.
(3) MANUFACTURED HOME, MULTI-SECTION: Means a dwelling unit meeting the definition of "Manufactured Home" and consisting of multiple manufactured units that are assembled to form a single dwelling unit.
(4) MANUFACTURED HOME, SINGLE-SECTION: Means a dwelling unit meeting the definition of "Manufactured Home" and consisting of one section that contains the entire dwelling unit.
(5) MANUFACTURED HOME SPACE: Means land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home, accessory structures and the exclusive use of its occupants.
(6) PRE-OWNED MANUFACTURED HOME: Means a dwelling unit meeting the definition of "Manufactured Home" that has been previously used as a residential dwelling and has been titled.

1040.2 General Requirements. Manufactured housing shall be comply with the following requirements:
(1) The attachment of a manufactured home to an existing manufactured home is permitted only if both units were engineered and manufactured for such attachment.
(2) No manufactured home shall be allowed to be moved to or occupied in Monroe, Georgia, if it contains aluminum wiring.
(3) No manufactured home shall be allowed to be occupied in Monroe, Georgia, unless it bears a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq.* (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, *et seq.*

1040.3 Building Permit. A building permit issued by the Code Enforcement Officer is required for any manufactured home moved to or within Monroe, Georgia. A building permit is required for any addition or structural alteration to a manufactured home within the City. Prior to issuing a building permit, it is unlawful to move, locate, relocate, erect or make utility connections of any kind to a manufactured home in incorporated Monroe.

1040.4 Certificate of Occupancy Requirements. Prior to the issuance of a Certificate of Occupancy, by the Code Enforcement Officer, all manufactured homes shall:
(1) Be registered with the Walton County Tax Commissioner and the Tax Decal installed on the manufactured home.
(2) Receive approval for all zoning, construction and setup requirements for the installation of the manufactured home.
1040.5 Application Requirements for Building Permit. An application for a building permit for location and occupancy of a manufactured home is required to be filed by the owner or the owner's agent with the Code

Enforcement Officer. All materials required for the application shall include the following:

(1) The completed application;
(2) The name, address and phone numbers of the property owner(s). If there is no address for the property, an address must be obtained from Monroe prior to accepting an application;
(3) The name, address and phone numbers of the applicant, if not the property owner;
(4) The year and model of the manufactured home;
(5) A description of exterior of the manufactured home and roofing materials;
(6) The zoning district where the manufactured home will be located;
(7) The tax map and parcel number of the planned location of the manufactured home;
(8) The source of water supply and type of waste disposal system;
(9) The intended use of the manufactured home;
(10) A recorded plat of the property on which the manufactured home will be located;
(11) A floor plan with the size and dimensions of the manufactured home;
(12) A location sheet (Tax Map and Parcel) from the Walton County Tax Assessors office;
(13) A septic tank permit from the Walton County Health Department or a paid sewer tap receipt from the City Utility Department; and,
(14) Other information as deemed necessary by the Code Enforcement Officer.

1040.6 Pre-Owned Manufactured Homes. If the manufactured home is pre-owned and is to be relocated within or to Monroe, Georgia, the following additional items will need to be submitted in addition to the application requirements set forth in Section 1040.5:

(1) An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by Section 1040.7;
(2) Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that the home meets the minimum health and safety standards of Section 1040.7 of this Ordinance.

1040.7 Minimum Health and Safety Standards for Pre-Owned Manufactured Homes. All pre-owned manufactured homes shall comply with the following before being issued a Certificate of Occupancy by the Code Enforcement Officer:

(1) HUD Code. Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
(2) Interior Condition. Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
(3) Exterior Condition. The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and deterioration. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
(4) Sanitary Facilities. Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.
(5) Heating Systems. Heating shall be safe and in working condition. Un-vented heaters are prohibited.
(6) Electrical Systems. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded. No aluminum wiring of any type is permitted.
(7) Hot Water Supply. Each home shall contain a water heater in safe and working condition.
(8) Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary. All windows and screens must be in good and operable condition.
(9) Ventilation. The kitchen in the home shall have at least one operable window or other ventilation device.
(10) Smoke Detectors. Each pre-owned manufactured home shall contain one operable battery-powered smoke

detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

1040.8 Requirements for all Manufactured Homes. All Manufactured Homes shall:

(1) Comply with all requirements of O.C.G.A §45-5-492, §45-5-493, or §45-5-494, and all decals required there under shall be located at or near a window or the meter base of the home.
(2) Meet the requirements of the Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code), the Georgia Fire Safety Commissioner and the manufacturer's specifications prescribed for the set up of such dwelling units. These include but are not limited to: a) footing; b) piers; c) tie downs, and d) anchors.
(3) Meet the requirements of the National Electrical Code (NEC) and the electric utility company providing electrical service.
(4) Be connected to potable water and sewerage in compliance with all applicable ordinances of Monroe.
(5) Meet the adopted building, gas, plumbing, electric, and other codes and ordinances of Monroe, Georgia.
(6) Be located on a permanent foundation with underpinning of brick, block or poured concrete. Block and poured concrete must have a stucco finish or be painted.
(7) Have minimum poured footings of no less than 24" long by 24" wide by 8" deep.
(8) Have original vinyl, wood or wood-type siding. Metallic siding is not permitted.
(9) Roof structures on a Manufactured home must have a gabled roof with a minimum slope of 2/12. Domed or flat roofs are prohibited. Roof materials may consist of shingles, corrugated metal or standing seam. Sheet metal and rolled roofing are not permitted.
(10) Be provided with permanent landing and stairs, constructed of pressure treated lumber, masonry or other rot and decay resistant materials, sufficient to provide safe ingress and egress from all exits of the unit. Individual landings shall be a minimum three (3) feet by three (3) feet. Landings and stairs require guard rails and hand rails that meet the relevant building codes of the City.
(11) Have all tongues, wheels, axles, transport lights and other transportation apparatus removed prior to occupancy.
(12) Meet all other applicable state and county statutes, regulations and ordinances.

1040.9 Orientation of Manufactured Homes. All manufactured homes are subject to the following conditions:

(1) No manufactured home shall be located within thirty (30) feet of any other building excepting its own garage or carport.
(2) The manufactured home shall be oriented with its long axis generally parallel to the street on which the lot fronts. Manufactured or Mobile Homes located in a Manufactured Home Park may be placed perpendicular to the street on which it fronts.

1040.10 Manufactured Home Installation. All manufactured homes, located to or moved within Monroe, Georgia, at or after the adoption of this Ordinance shall be installed by a licensed installer as required by O.C.G.A. §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Georgia Fire Safety Commissioner. See O.C.G.A. §8-2-160 et seq.

1040.11 Temporary Use. See Section 1000.9 (2).

1040.12 Non-Conformance. All Manufactured Homes which are currently occupied and existing in the City as of the date of this Ordinance shall be deemed non-conforming uses in accordance with Section 500. Notwithstanding the same, thereafter any manufactured home which does not meet the requirements of this Ordinance shall be removed after receipt of notice of its non-conformance from the Code Enforcement Officer.

1040.13 Enforcement and Penalties.

(1) No Manufactured or Mobile Home may be occupied or used otherwise prior to issuing a Certificate of Occupancy. Permanent connection to utilities shall not be approved until the Code Enforcement Officer has approved the installation of the Manufactured Home.
(2) Pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and the Owner or Occupant shall be required to remove the home from the City at their own

expense.

(3) Failure by the owner of a manufactured home to obtain and utilize tie downs and anchors for his manufactured home after the date of this Ordinance shall constitute a violation of this Ordinance.

Section 1045 Manufactured Home Parks.

In addition to the requirements in Section 1040 above, manufactured home parks and manufactured homes within such parks are subject to the requirements of this subsection.

1045.1 Permit requirements.

(1) Park Construction Permit Required. The applicant shall submit to the Code Enforcement Officer a site plan of the park meeting all conditions of this section. No person shall create or alter a manufactured home park until an application for the construction of such park has been reviewed by the Code Enforcement Officer, and a construction permit has been issued. The application requires the following:
   (a) the name and address of the applicant;
   (b) the location and legal description of the proposed park property;
   (c) a complete plan of the proposed park at a scale of not more than one hundred (100) feet to one (1) inch showing the shape, area, and size of the site, street and driveway layout, including distance notations, the location and grouping of manufactured home spaces and accessory buildings, the placement and sizes of utilities, all manufactured home space boundaries, and other data pertinent to the requirements of this Ordinance;
   (d) plans and specifications of all buildings, improvements, and facilities; and,
   (e) such further information as requested by the Code Enforcement Officer to help determine whether the proposed park will comply with all legal requirements.

(2) Permit Expiration. If no substantial construction progress has been made within six (6) months of issuance of the permit, it becomes invalid and must be renewed. For the purpose of this section, "substantial construction" requires final site grading, the installation of utilities, and at least forty percent (40%) completion (by a cost analysis) of total site improvements.

(3) Building Permit Required. No person shall park a manufactured home on a manufactured home space until a building permit has been issued.

(4) Certificate of Occupancy Required. A Certificate of Occupancy is required in advance of the use or occupancy of manufactured homes. No Certificate of Occupancy shall be issued without full compliance with this Ordinance.

1045.2 General Requirements.

(1) Compliance with Laws. No manufactured home shall be allowed unless it meets all requirements of any applicable laws and regulations.

(2) Minimum Rental Period. No space shall be rented for less than thirty (30) days.

(3) Initial Occupancy. At least twenty (20) spaces must be ready for occupancy before the first occupancy is permitted.

(4) Site Requirements. The park shall be located on a properly graded well-drained site, free from stagnant pools of water. The site shall not be exposed to objectionable smoke, noise, odors, the possibility of insect or rodent infestation, or other adverse impacts.

(5) Recreational Space. Not less than ten percent (10%) of the gross site area of the park shall be set aside and properly maintained for recreational use.

(6) Water Supply. An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured home spaces. Each space shall be provided with an approved cold water connection and a tap, constructed in accordance with City plumbing standards.

(7) Sanitation Requirements.
   (a) Refuse Collection Station. One (1) refuse collection station shall be provided for each twenty (20) spaces or fraction thereof, not more than two hundred (200) feet from any home served, and shall be conveniently located for collection. If individual refuse containers are used, inconspicuous stands shall be provided to hold the cans and to screen them from view.
   (b) Environmental Control. The area around and underneath each manufactured home shall be kept clean and free from refuse, rubbish, glass bottles, or other unsightly material.
   (c) Sewage Disposal. Each manufactured home space shall be provided with a sanitary sewer at least four (4) inches in diameter, connected to receive all waste from the home. The sewer shall discharge

the waste into a sewer or septic system which meets all legal requirements.

(d) Sewage Drain Connections. Manufactured home drain connections shall be of approved semi-rigid, non-collapsible hose, having smooth interior surfaces and no less than three (3) inches outside diameter, nor less in size than the manufactured home outlet. Drain connections shall be equipped with a standard screw-or clamp-type fitting. While a manufactured home space is unoccupied, the sewer opening shall be closed with an approved closure or cap.

(8) Fire Protection. Every park shall have an adequate fire protection system with water pressure and fire hydrants of such type, size, number, and location as to satisfy all applicable regulations. No open fires or burning of trash, leaves, or other refuse shall be permitted.

1045.3 Park Service Facilities. Stores, laundry and dry cleaning establishments, pick-up laundry and dry cleaning agencies, and beauty shops and barber shops may be permitted after approval by the Code Enforcement Officer, if such establishments and the parking areas primarily related to their operations meet the following requirements:

(1) they shall not together occupy more than a total of ten percent (10%) of the area of the park;
(2) they shall be subordinate to the residential use and character of the park;
(3) they shall be located and designed to serve needs of park residents in the park; and,
(4) they shall present no visible evidence of their commercial character from any residential area outside the park.

1045.4 Buffers and Landscaping. A buffer strip densely planted with fast growing evergreen shrubs at least twenty-five (25) feet wide shall be located adjacent to all property lines of the park. Such buffer strip shall not be included within any manufactured home space. This buffer strip shall be increased to a width of fifty (50) feet if the park is adjacent to a property with a permanent dwelling or a property zoned for single-family residences. Each park shall be landscaped with shade trees and exterior screen planting of at least twenty-five (25) trees per acre and fifty (50) plants per acre. In addition any frontage on a public street shall be landscaped with a landscape area at least twenty-five (25) feet in width in accordance with a landscape plan approved by the Code Enforcement Officer.

1045.5 Sidewalks. All manufactured home parks shall install sidewalks a minimum of four (4) feet in width on both sides of all streets within the park and on all frontage of public streets. All sidewalks in the park shall properly connect with the public sidewalks of the City at all public street frontages.

1045.6 Street Requirements. The system of streets in manufactured home parks shall extend uninterrupted from the existing improved street system providing access to the site. This system shall provide good vehicular access to all manufactured home spaces, fire hydrants, refuse collection, and service facilities, good connections to existing or future streets at the boundaries of the property, and convenient, safe circulation for vehicles. All streets shall meet the same standards as streets in other residential developments, as described in the Development Regulations. All interior streets shall be shown by name, width of easement or right of way, and type of surfacing on the development plan or plat. Street minimum pavement widths are twenty four (24) feet for streets providing two-way traffic, or fourteen (14) feet for one-way traffic. There shall be at least two (2) access streets connecting any park with adjoining public streets.

1045.7 Parking Space Requirements. Parking spaces shall not interfere with normal movement of traffic. There shall be at least one (1) parking space for each manufactured home space, plus an additional parking space for every six (6) manufactured home spaces. One (1) parking space must be located on each manufactured home space, and the additional parking spaces located in adjacent parking bays. Parking spaces shall be at least 9' x 20'.

1045.8 Area Regulations for Manufactured Home Parks.

(1) Minimum park acreage -10 acres
(2) Maximum park acreage -30 acres
(3) Minimum lot width at park entrance and exit -200 ft.
(4) Setbacks: No manufactured home shall be less than 20 feet from any street within the park, nor less than 50 feet from the park property line.

1045.9 Area Regulations for Manufactured Home Space.

(1) Minimum size: 7,500 sq. ft.
(2) Minimum frontage: 75 ft.
(3) Minimum width: 75 ft.

(4) Minimum side yard: 10 ft.
(5) Minimum front yard: 30 ft. for arterial and collector, 20 ft. for other streets.
(6) Minimum rear yard: 25 ft.

1045.10 Density for Manufactured Home Park. The overall density of a manufactured home park shall be a minimum of .25 acres per residential unit.

ARTICLE XI: TELECOMMUNICATION TOWERS & ANTENNAS

Section 1100 Intent and Purpose.

The purpose of this Article is to permit towers and antennas that will not endanger public safety; to promote the location of towers and antennas in non-residential areas and minimize the total number in the community; to strongly promote the joint use of tower and antenna sites; to permit towers and antennas in areas where the adverse impact on the community is minimal; to promote towers and antennas configured to minimize adverse visual impact; and to allow telecommunications services to be provided quickly, effectively, and efficiently. The regulations set forth below shall apply to all zoning districts in the City.

Section 1110 Applicability.

1110.1 District Height Limitations. This Article shall govern telecommunication towers and antennas that exceed the height limitations for each zoning district. The height limitations applicable to buildings and structures shall not apply to telecommunication towers and antennas.

1110.2 Public Property. Towers or antennas located on property owned, leased, or otherwise controlled by the City are exempt from this Article, if such tower or antenna has been approved in writing by the City.

1110.3 Amateur and Receive-Only. Towers or antennas under seventy (70) feet, owned and operated by federally-licensed amateur radio operators, and receive-only antennas, are exempt.

1110.4 Pre-Existing Towers or Antennae. Any tower or antenna for which a permit has been properly issued prior to this Ordinance need not meet the requirements of this Article, other than Sections 1130.6 and 1130.7. Such towers and antennas shall be referred to as "pre-existing".

Section 1120 Permitting Requirements.

1120.1 Permit Required.

(1) Application Contents. Each applicant requesting an administrative approval or a conditional use permit for a tower and/or antenna shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Code Enforcement Officer to be necessary to assess compliance with this Ordinance. Any information of an engineering nature shall be certified by a licensed professional engineer.

(2) Inventory of Existing Sites. Each applicant for a tower and/or antenna shall also provide to the Code Enforcement Officer an inventory of its existing towers that are either within the City or one-quarter (1/4) mile thereof, including specific information about the location, height, and design of each tower. The Code Enforcement Officer may share such information with other applicants applying for land use approvals and permits under this Ordinance or other organizations seeking to locate antennas within the City. However, the Code Enforcement Officer is not, by sharing such information, representing or warranting that such sites are available or suitable.

(3) Standard for Administrative Approval. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate such may consist of any of the following:
   - (a) no existing towers or structures are located within the geographic area required to meet applicant's engineering requirements,
   - (b) existing towers or structures are not of sufficient height to meet applicant's engineering requirements,
   - (c) existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment,
   - (d) the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers, or structures would cause interference with the applicant's proposed antenna,
   - (e) the fees, costs, or contractual provisions required of the owner to share an existing tower or

structure or to adapt an existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable, and

(f) the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable. In addition the Code Enforcement Officer may consider all relevant factors concerning the standards listed in Section 1120.2.

1120.2 Standards for Conditional Use Decisions. The Planning Commission and Council shall consider the following factors in determining whether to issue a Conditional Use Permit for a telecommunication facility:

(1) height of the proposed tower.
(2) proximity of the tower to residential structures and residential district boundaries.
(3) type of uses on adjacent and nearby properties.
(4) surrounding topography.
(5) design of the tower, particularly as to visual obtrusiveness.
(6) proposed ingress and egress.
(7) availability of suitable existing towers and other structures as discussed in Section 1120.1 (3) above, and
(8) whether the tower is designed to accommodate additional antennas.

Section 1130 General Tower and Antenna Regulations.

1130.1 Principal or Accessory Use. Towers and antennas are either principal or accessory uses. A different existing use or existing structure on the same lot shall not preclude the installation of an antenna or tower. In determining whether a tower or antenna complies with all district dimensional regulations, the dimensions of the entire lot shall control, even if towers or antennas are on leased parcels within such lots. Towers and antennas complying with this Article shall not be deemed to constitute the expansion of a non-conforming use.

1130.2 Setbacks and Separation Requirements for New Towers and Antennas. Towers must be set back a distance equal to the height of the tower from any off-site residence. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirement. Towers over ninety (90) feet in height shall not be located within one-quarter (1/4) mile from any existing tower over ninety (90) feet.

1130.3 Security Fencing. Towers shall have an appropriate anti-climbing device, and towers, equipment buildings and support equipment together described as the “tower compound” shall be enclosed by security fencing not less than six (6) feet in height.

1130.4 Screening and Landscaping Requirements. The tower compound shall be surrounded by a tight evergreen vegetative screen not less than six (6) feet in height and shall consist of evergreen trees and/or shrubs that will normally obtain a height of eight (8) feet within two (2) years. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

1130.5 Aesthetic and Lighting Requirements. Towers shall have a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, to reduce visual obtrusiveness. The tower compound shall, to the extent possible, have materials, colors, textures, screening, and landscaping that will blend it with the surrounding environment. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color, identical or similar to the supporting structure, to make the antenna and related equipment as visually unobtrusive as possible. Towers shall not be illuminated, unless required by the FAA or other applicable authority. Any required lighting shall be designed to cause the least possible visual impact.

1130.6 Federal Requirements. All towers must meet current standards and regulations of the FAA, the FCC, and any other applicable agency. If such standards and regulations are changed, the towers and antennas shall be upgraded in structure and form to comply within six (6) months of the change.

1130.7 Building Codes -Safety Standards. To ensure structural integrity, towers and antennas shall be maintained in compliance with this Ordinance and the Code of Ordinances and the Development Regulations and the current applicable standards published by the Electronic Industries Association. If the Code Enforcement Officer concludes that a tower or antenna fails to comply and/or constitutes a danger to persons or property, then upon notice to the owner, the owner shall have thirty (30) days to bring such tower or antenna into compliance. If the owner fails

to do so, the City may remove such tower or antenna at the owner's expense. Any such removal shall be in the manner provided in O.C.G.A. Sections 41-2-8 through 41-2-17.

1130.8 Removal of Abandoned Towers and Antennas. Any tower or antenna not operated for a continuous period of twelve (12) months shall be considered abandoned. The structure shall be removed within ninety (90) days of receipt of notice from the City of such abandonment. If not timely removed, the City may, in the manner provided by law, remove such tower or antenna at the owner's expense.

Section 1140 Towers and Antennas Permitted.

The following telecommunication facilities are permitted uses in the M-1district:

(1) installation of an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure) fifty (50) feet in height or greater, if said antenna adds no more than twenty (20) feet in height to said structure; and,

(2) installation of an antenna on any existing (but not pre-existing) tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet in height to said structure. This specific permitted use prohibits new buildings or other supporting equipment used in connection with said antenna.

Section 1150 Towers and Antennas Which Require Administrative Approval.

1150.1 Uses Covered. The following telecommunication facilities are permitted upon written administrative approval by the Code Enforcement Officer after an administrative review:

(1) installation of an antenna on an existing non-residential structure in any M-1 zoned district other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure) less than fifty (50) feet in height, if such addition does not add more than twenty (20) feet in height to said structure; and

(2) installation of an antenna on any pre-existing or existing tower of any height in any M-1 or B-3 zoned district that requires additional buildings or other supporting equipment used in connection with said antenna, if said antenna adds no more than twenty (20) feet in height to said structure.

1150.2 Administrative Approval Process. Each applicant shall provide the information required in Sections 1120.1 (1) and (2) to the City. The Code Enforcement Officer shall respond to the application within thirty (30) days of receipt with approval or denial of the request.

Section 1160 Towers and Antennas Which Require a Conditional Use Permit.

The following telecommunication facilities require a conditional use permit under Section 1425:

(1) location of a tower compound in any M-1 or B-3 district. The tower shall be set back from any existing off-site residence a distance greater than the height of the tower. Towers are prohibited in districts other than M-1 and B-3 districts;

(2) location of any alternative tower structure in a M-1 or B-3 district. Alternative tower structures are prohibited in districts other than M-1 or B-3 and shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(3) in any zone other than the M-1 district, installing an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure), regardless of height. Said antenna may add no more than twenty (20) feet in height to said structure.

ARTICLE XII - SIGNS

Section 1200 Short Title.

This chapter shall hereafter be known and cited as the "City of Monroe Sign Ordinance".

Section 1210 Definitions.

1210.1 General Definitions. For purposes of this chapter, certain words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural, and the plural shall include the singular. The word "shall" is mandatory and not discretionary. The word "person" includes a firm, corporation, association, trust or partnership or other entity. The word city shall mean the City of Monroe, Georgia. (b) Unless otherwise indicated, the following words and terms shall have the meaning ascribed herein:

Advertising device means any structure or device erected or intended for the purposes of displaying advertising or any object for attracting attention situated upon, above, or attached to real property.

Animated sign means any sign, or attention-getting device, with action, motion, changing colors, or having characteristics that require electrical or mechanical energy, including wind-activated elements such as spinners and aerial devices.

Area of sign. Only one face of a double-faced sign, as defined herein, bearing identical copy on each side shall be used in computing the area, otherwise both sides shall be used in computing area.

(1) Ground sign/monument sign. The area of a ground sign shall mean and shall be computed as the entire area within a continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character, together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background upon which it is placed. The supports or structure upon which any sign is supported shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the display; however, provided that the area of the frame shall not be included in computing the area when the frame is composed of stone or brick or similar material and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than 100 percent of the area of the sign displayed. A ground sign may include individual letters, numbers, figures, mounted on a surface composed of stone or brick or other permanent structures; called monument signs. The area of monument signs shall be computed as provided for wall signs.

(2) Wall sign. The area of a wall sign shall mean and shall be computed using the smallest contiguous square, circle, rectangle, triangle, or combination thereof, that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a wall sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by 36 inches or more shall be considered two separate signs.

(3) Three dimensional sign. The area of a three dimensional sign shall be determined by a contiguous perimeter drawn around the three dimensional sign enclosing the limits of the three dimensional sign; said perimeter to be drawn around the vertical plane through the sign which creates the perimeter with the largest area. The three dimensional sign shall be treated as a double sided sign for purposes of sign area; therefore, the area of the above described perimeter shall be doubled, which product shall be the area of the sign for purposes of this sign ordinance.

1210.2 Specific Definitions.

(1) **Awning and canopy sign** means a sign imposed or painted upon any roof-like structure that provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property. Awning and canopy signs are prohibited, except see Historic District sign provisions.

(2) **Banner** means a sign with or without characters, letters, illustrations, or ornamentation, applied to cloth, paper, plastic or fabric of any kind with only such material for backing, the same being characteristically mounted from temporary ground supports, hung or displayed against building surfaces or suspended in midair at both ends across streets, passageways, and other areas visible to the general public. See special temporary signs.

(3) **Bench sign** means any sign attached to or painted upon a bench or other seat placed in the public view and meant to be for public use or viewing. Bench signs are prohibited.

(4) **Billboard sign** means a freestanding sign with a sign area of 100 square feet on one side utilized for off-premises advertising along highways and arterial roads.

(5) **Building face projection** means the facade area of a building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street. For applicants located in a planned center, the building face projection shall be that portion of the front facade that the applicant occupies.

(6) **Building line means** a line established in general, parallel to the front street line, between which line and the street no part of a building shall project.

(7) **Changeable copy sign** means a sign on which panels of copy may be changed manually in the field, or boards or backgrounds upon which changeable letters or changeable panels may be placed.

(8) **Designated agent** means a person who is licensed as a real estate broker or sales person by the State of Georgia, and who is contracted with the owner(s) of land to sell, lease or manage said land or parts thereof.

(9) **Double-faced sign** means a sign which has two display areas against each other, where one face is designed to be seen from one direction of road or pedestrian travel and the other face from another direction, and where the two display areas are no more than 48 inches apart at any location on the displays.

(10) **Entrance sign** means any monument sign placed at the intersection of a public street and a private entryway into a multi-family property or multi-tenant commercial complex.

(11) **Erect** means to build, construct, attach, paint, hang, place, replace, suspend, or affix or fabricate a sign, which shall also include painting of wall sign or other graphics.

(12) **Exposed neon** means neon tubing left uncovered or exposed to view on the exterior of a structure or a building. Exposed neon is prohibited.

(13) **Flag sign** means flag or flags on a pole, but does not include "feather flag" signs. Flag signs are exempt from permitting requirements.

(14) **Flashing sign** means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects, or displays visible movement achieved by electrical, electronic or mechanical means, or displays an optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy, or with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary intensity or color. Illuminated signs shall not be considered as flashing signs. Flashing signs are prohibited except for authorized public safety uses.

(15) **Ground sign** means a permanently affixed sign, which is wholly independent of a building for support.

(16) **Height of a ground sign or monument sign** means the vertical distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade shall be the predominant grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating or elevating the sign. Base shall be where the sign support meets, or should meet, the normal grade. Ground Signs with a height of greater than ten feet are prohibited, except that the structure of the monument may extend to twelve feet above normal grade.

(17) **Illuminated sign, external** means a sign illuminated by an external light source not mounted to the sign and directed toward such sign.

(18) **Illuminated sign, internal** means a sign illuminated by an internal light source. Internal illuminated signs are strongly discouraged and are allowed only for wall signs where external illuminated signs are impractical.

(19) **Lot** means a parcel of land which meets all requirements of the city, including zoning and subdivision requirements, for a legally developable lot for the zoning district in which it is located, meets all of the minimum size, dimension, road frontage and other requirements for a developable lot within its zoning district, and which may be developed or used for purposes consistent with those permitted within its zoning district.

(20) **Mobile sign** means any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle, and the primary purpose of which is advertising. Mobile signs are prohibited.
(21) **Monument sign** means a freestanding sign mounted directly upon the ground and not raised by vertical supports.
(22) **Multiple frontage lot** means those lots that have frontage on two or more public streets.
(23) **Neon means** a lamp or tube filled with electrically charged gas thereby creating a light source.
(24) **Neon accents** means neon or other types of modern LED lighting around windows (inside or outside the window), building facades, rooflines, doors, signs, and other building structures, building projections or designs upon buildings. Neon accents are prohibited.
(25) **Nonconforming sign** means signs which as of the date this Ordinance were approved or legally erected under previous sign restrictions, and which became or have become nonconforming with respect to the requirements of this Ordinance.
(26) **Obscene** means obscene material as defined by O.C.G.A. § 16-12-80 and as may be amended or superseded or judicially interpreted from time to time.
(27) **Outparcel** means a lot carved from a planned center which is in compliance with all city requirements and ordinances for a legal stand-alone lot on which a freestanding building is constructed which building meets all city setback requirements.
(28) **Pennant and streamers** mean several small flags connected to a single line. See spectacular signs.
(29) **Planned center, office, commercial, or industrial** means a group of two or more retail stores, service establishments, offices, industries, or any other businesses, or combination thereof, consisting of individual buildings or units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting outparcels.
(30) **Portable sign** means any sign which is not permanently affixed, including, but not limited to, signs mounted, painted or affixed on vehicles parked in such a manner as to serve the purpose of an advertising device, or not routinely parked at the immediate premises of the business or entity indicated, advertised or identified by said sign. Portable signs are prohibited, except for authorized public safety use.
(31) **Public Street** is as defined in this Ordinance and the Development Regulations.
(32) **Roof sign** means any sign, graphic, or advertising device erected or maintained wholly or partially on or over the roof of a building. This requirement does not include those signs that may be mounted on parapets or mansards, which may extend above the roofline. Roof signs are prohibited.
(33) **Shopping center** is a planned center.
(34) **Sidewalk, sandwich sign, or A-frame sign** means a moveable sign not permanently secured or attached to the ground or surface upon which it is located. Sidewalk, sandwich and A-frame signs are prohibited, except see Historic District Signs, Section 1250(6).
(35) **Sign** means any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, object, three dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually or to draw attention and which is exposed to public view. For the purpose of this chapter, the term “sign” shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term "sign" shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company's business.
(36) **Sign face** means the part of a sign that is or can be used for display of a message.
(37) **Special temporary** sign means a temporary sign or banner for use during a certain period of time allowed per this Article.
(38) **Spectacular sign or device** means animated signs, feather flags, streamers, pennants, balloons and other air or gas filled devices, search lights, lasers, beacons, or other light projecting devices. Spectacular signs or devices are prohibited, except for balloons, see Section 1250(6), Historic District Signs.
(39) **Stake sign** means any temporary sign supported by uprights which are placed into the ground, and not supported by or suspended from any building with signable area not greater than five square feet. A stake sign may not be more than four feet high to the top of the sign component, when placed and standing in ground. A stake sign may not be placed within the right-of-way.

(40) **Stanchion sign** means a freestanding sign elevated in the air some distance from the ground and mounted on one or more steel or wood poles set in the ground. Stanchion signs are also commonly referred to as Pylon Signs. Stanchion signs are prohibited.
(41) **Subdivision sign** means a monument sign placed at the intersection of two public roads where one of the roads is the main thoroughfare into and out of a commercial or residential subdivision.
(42) **Swinging or projecting sign** means a sign projecting perpendicularly more than 12 inches from the outside wall or walls of any building or supports upon which it is located.
(43) **Temporary sign** means a sign of nonpermanent nature.
(44) **Tenant directional sign** means a sign within a property utilized as a multi-family property or multi-tenant commercial complex, and not designed or placed so as to be primarily read from a public road. Such signs shall be uniform as to color, graphic style, size and color.
(45) **Traffic instructional sign** means a sign used to give direction or specific instruction to motorist or pedestrians upon or near roads, streets, parking, sidewalks, within public areas (privately or government owned) in which the public is generally invited to enter or transverse. Such sign shall contain only instructional information related to vehicular and pedestrian traffic control. The size, shape, color, height, location and lettering of traffic instructional and control signs shall be substantially similar to that used by the Georgia Department of Transportation and the City of Monroe. Traffic instructional sign is a traffic control device under the jurisdiction of the City's police chief.
(46) **Trailer sign** See: Mobile sign. Trailer signs also known as mobile signs are prohibited.
(47) **Unit** means a portion of a planned center which by city ordinances and codes may be occupied by a single use or tenant, and which is segregated from other uses or tenants within the planned center by 360 degrees of vertical walls (may include doors and windows) and a floor and a ceiling, and which has a separate entrance to the outside.
(48) **Vehicle sign** means any sign painted, drawn or affixed to or on a vehicle including an automobile, truck or trailer.
(49) **Wall sign** means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than 15 inches from the outside face of the wall of such building or structure, and does not extend above the highest horizontal line of the wall. The vertical surface of a canopy is not a wall for purposes of this chapter.
(50) **Window sign** means any type of sign located entirely within the interior of a building or structure, and placed near or on a window or door, the letters, numbers, pictorial or sculptured matter of which is visible from public right of ways at the exterior of the premises. Window signs shall not be internally illuminated.

Section 1220 Purpose.

The mayor and council find that:
(1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment.
(2) An improperly regulated sign environment imposes health and safety dangers to the public.
(3) The result of effective sign regulation will be to lessen hazardous conditions, confusion, and visual clutter, caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic controls signs, and devices.
(4) Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.
(5) Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.
(6) Through proper regulation of signs, the attractiveness and economic wellbeing of the City of Monroe will be enhanced as a place to live, work and conduct business.
(7) Signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the city's public welfare. The mayor and council intend by enacting this chapter to:

a) Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
b) Further the objectives of the city's comprehensive plan;
c) Protect the public health, safety, welfare, and aesthetics of the city;
d) Reduce traffic and pedestrian hazards;
e) Maintain the historical image of the city;
f) Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
g) Promote economic development; and
h) Ensure the fair and consistent enforcement of sign regulations.

(8) Further, the city has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the city.

(9) Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city hereby imposes the regulations contained in this Article.

Section 1230 Administration.

The provisions of this chapter shall be administered by the Code Enforcement Officer.

Section 1240 Sign Permit Required.

(1) Required. Except where specifically excluded by other provisions of this Article, it shall be unlawful for any person, firm or corporation to post, display, substantially change, change or modify sign face or face panels, alter, or erect, reconstruct, replace or reset a sign or advertising device in the City of Monroe, Georgia without first having obtained an authorization to erect a sign and thereafter a permit in the manner prescribed herein.

(2) Application for permits. Application for authorization to erect a sign shall be made upon forms provided by the Code Enforcement Officer, and shall contain or have attached thereto the following information:
(a) Name, address and telephone number of the property owner and applicant;
(b) Address of building, structure, or lot to which or upon which the sign is to be attached or erected;
(c) Position of the sign in relation to nearby buildings or structures and other signs. Setbacks from rights-of-way, property lines and easements;
(d) One accurate scale drawing of the sign plans, specifications, and method of construction and attachment to the building or ground for the sign as well as a scale drawing of the site showing driveways, structures, existing and proposed signs and any other limiting site features;
(e) Name of person, firm, corporation, or association erecting the sign;
(f) Name of business or activity at the address where the sign is to be erected if any;
(g) Complete calculations establishing the area of sign;
(h) Such other information as the Code Enforcement Officer shall require to show full compliance with this and all other ordinances of the city;
(i) Written consent of the owner of the building or lot upon which the sign is to be erected; and
(j) A written description of all other signs located on the lot indicating the sign type, size and placement.

(3) Fees. Fees for authorizations and permits shall be as set forth in the Fee Schedule.

(4) Notification. The city shall process all sign authorization and permit applications within 45 days of the city's actual receipt of a completed application and a sign authorization and permit fee. The city shall give notice to the applicant of the decision of the city by hand delivery, by mailing to the address on the authorization and permit application, or by fax as provided on the application on or before the 45th day after the city's receipt of the completed application. Notice shall be deemed to have been given upon the date of mailing, date of faxing, or date of hand delivery, as the case may be. Upon failing to so act, the authorization to erect the sign shall automatically be granted; however, the final permit procedure must be followed by the applicant.

(5) Denial. In the event the Code Enforcement Officer determines or learns at any time that the applicant has not properly completed the application for authorization to erect the proposed sign, he shall promptly notify the applicant of such fact and shall automatically deny the application. In the event the Code Enforcement Officer determines that all requirements for approval of the application for authorization have not been met, he shall then deny the application.

(6) Issuance of an authorization. Upon the filing of an application for an authorization and permit and the payment of all necessary fees as required by this section, the Code Enforcement Officer shall examine all plans and specifications submitted and the premises upon which the proposed sign is to be erected, and if it shall appear that the proposed sign is in compliance with all the requirements of this Article and all other ordinances and laws of the city, and if a business, that the business has registered and paid any tax due pursuant to the city's occupation tax, he shall then issue an authorization to erect the sign pursuant to the application and any conditions placed upon the authorization by the city. If the work authorized thereby has not been completed within 180 days after the date of issuance and a final permit has not been requested in writing, the authorization shall become null and void and no final permit may be issued.

(7) Appeal procedure. Any applicant who is dissatisfied by a decision of the Code Enforcement Officer may appeal such decision to the Council in accordance with Section 1400.3.

(8) Within ten days after completion of the erection of a sign pursuant to an approved application and an authorization to erect, and within 180 days of the issuance of an authorization, the applicant shall deliver to the code officer a written request for a final permit along with current and dated color photographs of each face of the sign (at least three inches by five inches in size) and a signed affidavit that the photographs are current and accurate photographs of the sign's faces as of the date on the photographs, that the sign was and is erected as described in the application as conditioned and authorized by the city, including the size, location, building materials, height and lighting. Within ten business days of the filing of a request for a final permit, the Code Enforcement Officer shall issue the final permit or deny the final permit because of the applicant's failure to properly and timely submit the written request for final permit, failure to properly and timely document the request, or failure to properly and timely erect the sign as described in the application conditioned and authorized by the city. Notification of a denial shall be effectuated pursuant to subsection (4) above, and the applicant shall have the appeal rights as provided at subsection (7). Failure of the code officer to approve or deny the application for a final sign permit within said ten business days of the applicant properly and timely filing with the city a fully and properly documented application for final permit shall constitute an approval of the final permit.

(9) An applicant who has failed to complete the erection of a sign within 180 days of the issuance of an authorization or who fails to request a final permit within ten days of erection of a sign pursuant to an authorization or who fails to apply for a final permit within 180 days of the issuance of an authorization or who's request for a final permit is denied, shall remove the sign or parts of the sign within 30 days of notice from the Code Enforcement Officer to remove the sign or parts of the sign. Failure to so remove the sign shall constitute a separate ordinance violation for each day that the sign or part of the sign is not removed from the proposed site.

(10) Furthermore, if the sign or part of the sign is not removed within said 30 days, the City may remove the sign or part of the sign and charge the applicant and/or owner of the site the cost of removal and disposal.

Section 1250 Regulated Signs.

1250.1 General Regulations.

(1) For all signs in the CDO(Corridor Design Overlay District) refer to section 643.A5 Signs.

(2) Changeable copy shall be limited to ground signs, but cannot be used on entrance or subdivision signs.

(3) Notwithstanding any other provision of this sign chapter, no sign, whether permitted as a regulated sign or an exempt sign, shall be permitted within 100 feet of the intersection of any state highway with any other state highway or major thoroughfare without the prior approval of the Code Enforcement Officer. Considering such application, the Code Enforcement Officer shall approve such a location only upon a determination that the proposed sign will not potentially obstruct the view of motorists or pedestrians so as to prevent their safety in traversing the intersection.

(4) Any sign authorized by this chapter is allowed to contain noncommercial copy or commercial copy, except for traffic instructional signs.

(5) Traffic instructional signs shall be placed by the owner at such locations and for such purposes as required by the City's chief of police. A traffic instructional sign plan shall be submitted to the city for approval by the

City's police chief with the master signage plan for planned centers, shopping centers, office or industrial complex, or subdivision.

(6) All signs or advertising devices not specifically permitted in a zoning district as a sign exempt from permitting pursuant to Section 1280 shall be regulated signs, which are prohibited except as provide for under this Article and upon issuance of a permit by the City. The Code Enforcement Officer is authorized to issue sign permits for any sign that meets the standards and limitations set forth herein.

(7) Ground signs, as defined in Section 1210, which are permanent shall be permitted in non-residential zoning districts.

(8) Wall signs, as defined in Section 1210, shall be permitted in non-residential zoning districts.

(9) Billboard signs, as defined in Section 1210, shall be permitted only in B-3 and M-1 zoning districts.

1250.2 Non-Residential Allowable Signs.

In non-residential zoning districts, signs shall be permitted as herein provided:

(1) Ground signs. Such property may contain one or more ground signs as defined in Section 1210.
   - (a) Platted lots with a single building shall be permitted a maximum of one (1) thirty-five (35) square foot ground sign for each public street frontage.
   - (b) All ground signs shall be located within a landscaped area. No ground sign shall be permitted to encroach in a parking area.
   - (c) No ground sign shall have a height greater than eight feet above normal grade.
   - (d) A ground sign shall not be located within zero feet of a street right-of-way or within 50 feet of any other sign, structure, or building except temporary signs.
   - (e) Changeable copy shall not exceed 20 percent of the area of the sign face.
   - (f) Ground signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active City of Monroe building permit.

(2) Wall signs. Such property may contain one or more wall signs as defined in Section 1210.
   - (a) Platted lots with a single building shall be permitted one (1) wall sign not to exceed one and one-half (1.5) square feet per linear foot of building frontage.
   - (b) When calculating their allowed square footage, calculations shall be based on the facade with the primary entrance and/or architectural features of the building. Otherwise, the facade used shall be that facade which faces the public road of the greatest capacity, as determined by Code Enforcement Officer. If the linear footage of the facade with the primary entrance is at least 50% less than the linear footage of the opposite wall, then an average of the two measurements shall be used to determine the allowed square footage.
   - (c) Wall signs are allowed only upon a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active City of Monroe building permit.

(3) Planned centers and Multi-Tenant Complexes.
   - (a) Ground Signs
     - (i) Planned center developments and multi-tenant complexes shall be permitted a maximum of one (1) one hundred (100) square foot ground sign for each street frontage.
     - (ii) No ground sign shall have a height greater than ten feet above normal grade.
     - (iii) Changeable copy shall not exceed 20 percent of the area of the sign face.
     - (iv) Ground signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active City of Monroe building permit.
     - (v) Planned center developments may apply for a landscape wall sign in lieu of a standard ground sign. Such signage shall be consistent with the architecture and materials of the planned center, and shall be subject to approval by the Code Enforcement Officer.
     - (vi) Planned center developments shall also be permitted an entrance sign. Such signs shall be either one double-sided ground sign located at each entrance of the development, each side of which shall not exceed 35 square feet signage area or two one-sided signs, each sign not to exceed 35 square feet signage area. The only permitted text on entrance signs shall be the name and street number of the planned center. The height of the sign shall not exceed six feet.

All such signs shall be placed on private property and may not be placed within zero feet of a right-of-way.

(b) Wall Signs

(i) Each planned center building with entrances accessible by multiple tenants such as an office building or similar use shall be permitted one (1) wall sign per separate tenant or occupant not to exceed the greater of one and one-half (1.5) square feet per linear foot of building frontage or fifty (50) square feet total. Only one (1) wall sign is allowed per wall per tenant.

(ii) Each building or unit with a separate entrance with multiple treated facades, not accessible by other tenants located in a planned center, shall be permitted one (1) wall sign not to exceed the greater of one and one-half (1.5) square feet per linear foot of building frontage or fifty (50) square feet total. Only one (1) wall sign is allowed per unit wall.

(iii) The maximum area for a single wall sign shall not exceed 75 square feet.

(c) No permits shall be issued for buildings or units in a planned center unless and until a master signage plan for the planned center has been submitted and approved by the Code Enforcement Officer. The master signage plan shall indicate how all signage will be consistent in:

(i) Lighting.

(ii) Colors.

(iii) Fonts.

(iv) Building materials.

(v) Location in relation to the primary building.

(vi) Proportions.

(d) Tenant Directional Signs. Each planned center development shall be allowed additional directional signage as follows:

(i) Maximum sign size is twenty-four (24) square feet.

(ii) Maximum sign panel per tenant is 6 square feet

(iii) Maximum sign height is six (6) feet.

(iv) Setback from the right-of-way is zero (0) feet.

(v) Two signs are allowed per internal intersection of private drives or public streets within the project and shall not be allowed on state routes or arterial roads.

(vi) All developments proposing directional signage must submit a uniform design, to include all sign locations, architectural materials and sign elevations for the entire development to the Code Enforcement Officer for review and approval. All signs shall have a uniform background color and material, but may include business logos.

(e) A non-subdivided industrial, office or commercial complex with multiple tenants shall be permitted one double-sided sign at the complex entrance, each side of which shall not exceed 24 square feet signage area or two one-sided signs, each sign not to exceed 24 square feet signage area. The height of the sign shall not exceed six feet.

(4) Other non-residential signs allowed

(a) Each legal city lot in non-residential zoning districts shall be entitled to one stake sign, which may not be placed within a right of-way.

(b) Window signs are permitted, except see limitations in Historic District signs. Window signs are not calculated as part of the overall signage allowed per property and must meet the sign material requirements of this Article. Window signs shall not exceed 20% of the total window area exposed to public view. Window signs shall not be internally illuminated.

(c) In a B-3 Zoning District a lot containing a licensed business which provides and utilizes a vehicle drive-through permitted by definition in this Ordinance or by Variance, at which the public transacts business, may display one additional permitted single faced ground sign not to exceed 35 square feet, in addition to the signage allowed in this Article located adjacent to the drive through lane with a font size no larger than six inches, and the message face of which is directed towards the motorist passing through the drive through lane.

(d) Special temporary signs are permitted but only under the following conditions and requirements:

(i) Prior to use of such special temporary signs, and the erection and placement of any such temporary signs, an application for a permit shall be filed with the Code Enforcement Officer. Such signs shall be specifically described as to their construction, composition, and specific dates of display for that calendar year. Application for permit shall be approved or denied

(with grounds therefore) in writing within 30 days of city receipt of the complete application sent to applicant at the address shown on application.

(ii) A lot or unit or individual tenant shall be allowed a maximum of six (6) special event sign permits per year, each of which shall be valid for no more than thirty (30) consecutive days.

(iii) The maximum size allowance for all such signs used for an event shall be a total of 96 square feet.

(iv) All such signs may be attached to the exterior wall or walls of a building or beneath a canopy or attached to the ground. Outside of the Historic District, no such sign shall be placed within ten feet of the street right-of-way. In all districts, no such sign shall be placed in any manner as to obstruct the view of motorists or pedestrians.

(v) All such signs shall be professionally made and properly maintained. Temporary signs shall not appear to be ripped, frayed, or in generally poor condition resulting from extended use.

(vi) Temporary sign frames and related mounting hardware shall be removed when a sign is not permitted for display.

(vii) The owner of a planned center may apply to the city for one (1) common area sign, no larger than 120 square feet, to be used for special events and promotions for the planned center and its tenants located within the planned center. The common area sign shall be consistent with the architecture of the planned center and shall provide for removable sign panels. It shall be the responsibility of the planned center owner to coordinate with tenants on the use, maintenance and appearance of the common area sign.

(viii) All special temporary signs shall comply with all other applicable regulations and conditions as set forth in this Article.

(5) Billboard Signs.

(a) Billboard signs shall not exceed 100 square feet of sign area on one side. Billboard signs shall not exceed ten (10) feet in height or fifteen (15) feet in length.

(b) Billboard signs shall only be located on parcels in B-3 and M-1 zoning districts.

(c) Billboard signs shall only be located on parcels adjacent to designated state or federal highways.

(d) No billboard sign shall be located within a 1,000 foot radius of another billboard sign.

(e) No billboard sign shall be located within a 500 foot radius of residential zoned parcels.

(f) No billboard sign shall be located within a 500 foot radius in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, that such sign may be located within 500 feet of a public park, public playground, public recreation area, public forest, scenic area, or cemetery when the sign is separated by buildings or other obstructions so that the sign located within the 500 foot zone is not visible from the public park, public playground, public recreation are, public forest, scenic area, or cemetery.

(6) Historic District signs.

The purpose of the Historic District Sign Ordinance is to ensure the district's signage is harmonious in proportion, form, color, and materials to the character of the historic district. Visual relatedness is crucial to the goal of an integrated Historic District, and signs play a key role in helping to preserve the historical district's sense of time and place, and achieve the desired effect of charm and compatibility. The ordinance allows businesses to maintain their individual identities, and also become identified with the downtown historic district as a whole.

(a) Applicability. This section shall apply only to those building structures and uses within the geographical boundaries of the Historic Preservation Overlay District (“Historic District”), as established and defined in this Ordinance.

(b) Compatibility. As to signs, buildings, structures, and uses within the Historic District, when a provision of this section conflicts with any section in the balance of this Article, the provision of this section shall control. Otherwise, to the extent reasonably possible, the provisions of this section shall be interpreted consistent with the provisions of the balance of this Ordinance.

(c) Signage standards.

(i) General. Signage shall complement the architectural details of the building, and shall not violate or otherwise obscure the architecture of the building to which it is attached. Signs, lettering, or boxed graphics shall not cut across columns, cornices, windowsills, arches or balconies, nor extend above the roofline of any building to which it is attached.

(ii) Lettering, size, and construction. Letters can be painted or mounted directly on a signboard, storefront, wall or window, if in proportion to the storefront. Lots in the Historic District are

allowed the same amount of signage as lots outside of the Historic District or greater if the form and scale of the historic character of the building or project so suggests. Inside the Historic District businesses may also utilize canopy signs, swinging or projecting signs, menu signs and sandwich signs. Acceptable lettering materials include wood, stone, synthetic stone, metal, vinyl, dimensional plastic, acrylic, or high-density polystyrene foam. The overall design of all signage shall be compatible with the Historic District's overall character.

(iii) Materials. Signs may be constructed of concrete, brick, wood, stone, metal, glass, or synthetic materials that have the same appearance of the aforementioned natural materials due to their finish. All materials shall be compatible with the building's architecture, and should be colorfast and resistant to corrosion. Signs shall be professionally finished in accordance with the material selected, whether by sanding, painting, staining and/or sealing, with the edges of the sign framed out and/or sealed.

(iv) Lighting. All signs in the historic district, whether ground signs or wall signs, shall only be illuminated by an external light source, and through craftsmanship and materials, shall reflect the Historic District design aesthetics. Internal illumination is strictly prohibited.

(v) Colors. Signs, and all lettering, symbols, and embellishments contained therein, shall be furnished in colors either contained in or consistent with the Typeset & Color Guide for Downtown Signage as developed by the Code Enforcement Officer or from any commercially available historic color palette, if the same is unavailable.

(vi) Awnings and canopies. Decorative awnings or canopies over doors or windows are permitted in the Historic District area, and shall not be calculated as part of total signage area. Professionally applied lettering or symbols may be incorporated into the awning or canopy valance/drop flap, but are restricted to 20 percent of the awning field. Awnings or canopies shall clear sidewalks by seven feet in height, and project no more than six feet from the building. Canvas or synthetic look-alike canvas, is the only material permitted for decorative awnings and canopies. Metal may be approved for functional awnings or canopies if the overall design is consistent with Historic District overall character. Awnings or canopies may not be backlit.

(vii) Swinging or projecting signs. Swinging or projecting signs are permitted in the historic area, and shall clear sidewalks by seven feet in height, and project no more than 54 inches from the building. Swinging or projecting signs should project from the wall at a 90-degree angle. Swinging or projecting signs over driveways, alleys, or parking areas is prohibited. Swinging or projecting signs shall be limited to a maximum size of eight (8) square feet, and if double-sided, shall be calculated as only one sign. One swinging or projecting sign per business street frontage is permitted, and shall be calculated as part of the total signage area allowed under this Article. Attractive hardware for hanging is encouraged.

(viii) Sandwich board signs (a/k/a A-frame signs). Movable sandwich signs, or A-frame signs, may be used in the historic district one per building or tenant unit. A sandwich board sign shall have a maximum height of four feet, and a maximum area of eight square feet on one side, and through design, paint, lettering, and materials, shall conform to Historic District aesthetic standards. Sandwich board signs shall not be placed off-site or displayed in such a way as to block or hinder pedestrian traffic. Sandwich board signs may be placed upon public sidewalks, but must leave a minimum of six feet width of sidewalks clear of obstructions for pedestrian traffic. Each building or unit at its main public entrance, used exclusively by said building or unit shall be permitted one additional sandwich board sign. The sandwich board sign must be placed only on the sidewalk in front of said building or unit or in the front yard of the building or unit. Such signs must be placed in front of the building or unit within 20 feet of the main public entrance of said building or unit. Sandwich board signs shall not be included within the overall amount of signage allowed.

(ix) Display box. A sign located with ten feet of the main public entrance used exclusively by the relevant building or tenant unit as part of the total signage allowed. A display box shall have a clear face to protect the sign from the weather and be constructed to coordinate with the building design.

(x) Window signs. Interior window signs, bearing lettered, numbered, or pictorial matter, shall not exceed 30 percent of the total window area exposed to public view. Window signs shall not be included within the overall amount of signage allowed and shall not be internally illuminated.

(xi) Special temporary signs. Special temporary signs will be permitted in the Historic District and are encouraged to conform to Historic District aesthetic standards.

(xii) Air and gas filled devices. Under the following guidelines, balloons are permitted to be used as a temporary enhancement to special temporary signs/displays or sandwich boards in the Historic District.

a) Deflated or unsightly displays shall be removed immediately
b) Balloons must be no larger than 12" in length or diameter
c) Maximum number of balloons per tenant unit= 3
d) Maximum length of tether = 24"
e) Non-metallic balloons only
f) All displays shall conform to the Historic District sign ordinance aesthetic standards.

(xiii) Ground signs. Ground signs may hang or suspend from a horizontal support that is affixed to the ground by vertical post.

1250.3 Residential Allowable Signs.

In residential zoning districts, signs shall be permitted as following subject to the provisions herein provided:

(1) Two stake signs per lot in residential zoning districts not placed within the rights-of-way.

(2) Subdivisions shall be permitted either one double-sided ground sign located at the entrance of the subdivision, but not within ten feet of the public right-of-way, each side of which shall not exceed 35 square feet signage area or two one-sided signs, each sign not to exceed 35 square feet signage area.The height of the sign shall not exceed six feet. All subdivision signs shall be placed on private property and may not be placed within ten feet of a right-of-way.

(3) Subdivision homeowner associations may have one 25 square feet changeable copy or glass covered sign located adjacent to the entrance to the subdivision's intersection with the public right-of-way and located within the common area owned by the homeowner's association but not interfering with sidewalks or streets, and the message face directed toward motorist and pedestrians who have entered the subdivision. These signs may not be placed on individual lots. The homeowner association sign shall be the responsibility of the elected officials of the homeowner's association. Subdivisions without elected homeowner association officers must have a designated person responsible for the sign.

(4) The owner or the owner's designated agent (but not both at the same time) of a subdivision under development in which the owner of the subdivision owns one or more subdivision lots may obtain a permit, effective for up to one year, to display within the subdivision under development one temporary double-sided ground sign with no more than 24 square feet of sign face per side. A planned center with one out-parcel is not a subdivision for purpose of this paragraph. The sign may not be placed within ten feet of a right-of-way.

(5) A lot zoned residential which is not within a subdivision platted pursuant to the city's subdivision regulations, and which is three acres or more in size, may display a permitted temporary, double-sided ground sign, with a sign face not more than 24 square feet per side. The required permit may be issued for no longer than six months. The sign may not be placed within ten feet of a right-of-way.

(6) Apartment complex, condominium complex, or other building with multiple residential dwelling units shall be permitted one double-sided sign at the complex entrance, each side of which shall not exceed 24 square feet signage area or two one-sided signs, each sign not to exceed 24 square feet signage area. The height of the sign shall not exceed six feet.

Section 1255 Construction and Maintenance Requirements.

(1) No sign shall be constructed in such a manner which will hinder vehicular traffic or pedestrians or block any entrances or exits from any sidewalk or building or any windows, doors or fire escapes. Each sign shall be securely erected and free of any protruding nails, tacks and wire.

(2) No sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicular traffic or in any way create a nuisance to the surrounding area.

(3) A sign containing wood in its structure, face or frame or any part thereof shall be painted or stained.

(4) No wall sign or its supports shall protrude more than 12 inches from the wall on which it is mounted.

(5) All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action.

(6) No wood, metal or any other type of supports for ground signs shall be less than four by four inches in size for each support or less than three inches in diameter if circular.
(7) Wood signs shall be framed on the two sides attached to the supports. Supports can be considered framing if the sign is so designed with supports as part of framing on both sign face areas.
(8) UL, FM or similar approval is required where applicable.
(9) All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by the city.
(10) The illumination of internally illuminated signs shall not exceed 20 foot candles of incandescent light measured at a distance of ten feet from such structure.
(11) Externally illuminated signs shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians as to create a hazardous or dangerous condition.
(12) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
(13) All special temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the city's current building code or electrical code.
(14) All signs at the entrance of complexes shall be placed on private property and may not be placed within five feet of a right-of-way.
(15) Except for subdivision signs described in this Article, all signs must be placed upon a lot, as defined in the city's zoning ordinance and the subdivision regulations. No sign may be placed on any lot, which lot does not meet the minimum lot requirements of this Ordinance and the Development Regulations.
(16) No message or advertisement may be displayed on any portion of the structural supports of any sign.
(17) All signs regulated by this chapter shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.
(18) No sign shall be illuminated either internally or externally, in any residential zoned district except that entrance signs and subdivision signs may be externally illuminated from dusk until dawn.

Section 1260 Enforcement.

Citations for violation of this chapter may be issued by the Code Enforcement Officer, or a police officer of the city. The citation shall be returnable to and tried before the municipal court of the city. Any person, firm, or corporation violating any provisions of this chapter may, upon conviction, be fined in an amount, and/or imprisoned for such term as authorized by this Ordinance. Each day said violation shall continue shall constitute a separate offense.

Section 1265 Prohibited Signs and Advertising Devices.

The following signs and advertising devices are prohibited in all zoning districts of the city:
(1) Air and gas filled devices, except see Historic District signs, Section 1250.2(6);
(2) Awning and canopy signs, except see Historic District signs, Section 1250.2(6);
(3) Banners unless permitted as special temporary signs;
(4) Bench signs;
(5) Sign which displays obscene text, copy, message, pictures, forms or structures;
(6) Flashing, blinking, traveling signs or lights, except for authorized public safety;
(7) Portable, mobile or trailer signs, except for authorized public safety;
(8) Roof signs;
(9) Sidewalk, sandwich signs, and A-frame signs, except see Historic District signs, Section 1250.2(6);
(10) Signs on a public right-of-way or on city property except exempt traffic control signs and devices;
(11) Signs which contain or are in imitation of an official traffic control sign or signal or contain the words "stop," "go,'' "slow,'' "danger,'' "detour,'' "speed limit,'' "yield" or similar words intended to direct or regulate traffic;
(12) Signs affixed to utility poles, trees, street markers, and fence posts or placed on any curb, sidewalk, fence, hydrant, bridge or other surface located on public property or over or across any public street;
(13) Signs that advertise or promote illegal activities;
(14) Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress or egress of any door or emergency exit or fire escape;
(15) Spectacular signs, including feather flag signs;

(16) Swinging or projecting signs, except see Historic District signs, Section 1250.2(6);
(17) Signs which obstruct sight of motorists or pedestrians so as to create safety hazards for motorists or pedestrians;
(18) All signs not specifically permitted or allowed by this Article.

Section 1270 Nonconforming Signs.

(1) Nonconforming signs may continue in existence subject to the following restrictions:
   (a) No change may be made in the location, shape, height, size, or design of any nonconforming sign, or replacement of or change in the face or message panel of a nonconforming sign except to bring the sign into compliance with the provisions of this Article, and a sign permit granted.
   (b) A nonconforming sign may not be reconstructed, replaced, or reset if it is removed by the owner or agent for the owner for any reason.
   (c) Any sign erected in violation of this Article may be removed from any public right-of-way by duly authorized employees of the city, and the responsible party may be cited for such violation.
   (d) No additional sign or advertising device shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or brought into conformity with this Article.
   (e) No sign permit may be granted to any applicant, where there exists on the subject lot a nonconforming sign, as defined in this Article, an illegal sign, an unpermitted sign, a damaged sign, a sign in need of repair or painting, or a sign in violation of this Article.
   (f) A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
   (g) A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.
(2) Any sign which has become dilapidated, or any sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous, and any sign which has been erected in a manner which fails to meet the requirements of this Article as a legal or a recognized nonconforming sign may be removed by the city provided reasonable attempt has been made to have such sign removed by the owner thereof, and provided further that such removal can be made without damage to any property or sign, except for the cutting or severing of supports for the sign at or near the ground or its attachment to any wall or structure. Any sign removed under the foregoing provision shall be stored by the city at the expense of the sign owner or landowner upon which the sign is located.
(3) In the case of a sign which cannot be removed without risk of property damage and in the case of signs removed and stored as provided herein, the Code Enforcement Officer shall cause notice of the same to be mailed to the owner of the sign if the same may be determined or to the owner of the property upon which said sign is located of the impending action pertaining to said sign. Owners shall be given 30 days from the date of receipt of such notice to take appropriate remedial action.
(4) If the permitee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within 30 days after such notice, the permit for such sign shall be revoked and the permitee or property owner shall be subject to the penalties set forth herein.
(5) After notification as herein prescribed, the Code Enforcement Officer shall cause such signs to be removed and disposed of in the manner provided by law for the disposition of abandoned personal property.
(6) No sign removed after the provisions hereof shall be returned to the owner until all expenses incurred in the removal and storage of the same has been paid.

Section 1280 Exempt Signs.

The following signs and advertising devices are exempt from the permit requirements of this chapter but must in all respects otherwise comply with this Article:
(1) Window signs, as allowed by this Article.
(2) Flags (flag poles shall be considered as an "accessory structure" under this Ordinance as to the location and site of flag poles).
(3) Two stake signs per lot in residential zoning districts as provided in this Article.
(4) One stake sign per lot in non-residential zoning districts, as provided in this Article.
(5) All other signs must be permitted by the city before displaying, or they are prohibited.

Section 1285 Variances.

(1) The Council can authorize, upon application in specific cases, such variance from the terms of this Article as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this Article will in an individual case result in extreme and unusual hardship, so the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A Variance may be granted in accordance with the provisions of Section 1430. In addition to the standards to be considered in Section 1430.6, the Council shall consider the following:
   (a) Whether the variance is a request to permit a type of sign which otherwise is not permitted in the zoning districts involved;
   (b) Whether the cause for the need for the variance is created by the applicant, the owner, lessor, or successor in ownership or occupancy;
   (c) Signs may be displaced upon the vertical surface of a canopy only by a variance, upon the applicant reducing the number or square footage of ground or wall signs authorized by this Article for the lot in question, so as to reasonably set-off for the additional signs.

(2) All requests for such variances shall be in written form and filed with the Code Enforcement Officer. The Council shall make a decision on a complete application as prescribed in Section 1430.

(3) No change may be made in the location, shape, color, height, size, copy or text of any sign subject to a variance unless the sign is brought into compliance with the provisions of this Article and a sign permit is granted.

(4) A change in the owner, lessor, lessee, or user of property served by a sign subject to a variance shall negate the variance, and the sign shall be removed or brought into compliance with the provisions of this Article and a new sign permit granted.

(5) A sign subject to a variance may not be reconstructed, replaced or reset if it is removed for any reason.

(6) When a sign under a variance has been razed or damaged by any cause, naturally occurring or otherwise, the sign shall not be re-established:
   (a) If the value of the sign as damaged is 50 percent or less of the value of the sign prior to the damage; or
   (b) If the estimated cost of repairing the above ground portion of the sign is more than the value of the sign in its damaged condition.
   (c) Value shall be established by the Code Enforcement Officer and shall be based upon the value of the sign's materials above ground with no allowance for the intrinsic value of the sign or the value of the right to have a sign at that location.

ARTICLE XIII: LANDSCAPING DESIGN AND TREE PRESERVATION

Reserved.

ARTICLE XIV: ADMINISTRATION & ENFORCEMENT

Section 1400 Enforcement.

1400.1 Code Enforcement Officer. This Ordinance shall be administered by the Code Enforcement Officer, having full authority, review, and oversight for the various departments and his/her designees responsible for implementation and enforcement of this Ordinance and other codes, standards, regulations, and criteria related to building and zoning in the City of Monroe.

1400.2 Powers and Duties. The Code Enforcement Officer's authority, or his/her designee's authority, to administer, implement, and enforce this Ordinance includes without limitation the following powers and duties:

(1) receive and review applications and plans;
(2) inspect premises as necessary;
(3) issue authorized permits (grading, building, sign, etc.), and certificates (verification, compliance, appropriateness, occupancy, etc.);
(4) interpret the Ordinance, except as otherwise expressly provided;
(5) keep records of all issued permits and approved applications and plans;
(6) keep current the Official Zoning Map and the approved Future Use Map;
(7) keep records of all violations of this Ordinance and enforcement actions; and
(8) issue citiation for violations of this Ordinance, to be heard in the Municipal Court.

The Code Enforcement Officer shall not take final action on amendments, variances, conditional use permits, or other land use approvals reserved for the Planning Commission and/or the Council.

1400.3 Appeals of Code Enforcement Officer

(1) Appeal. Any person aggrieved by any action by the Code Enforcement Officer may appeal to the Council within thirty (30) days of the action. Appeals shall be filed in writing with the Code Enforcement Officer and shall enumerate specific grounds for the appeal. The Code Enforcement Officer shall compile and safeguard all documents that constitute the record upon which the action appealed from was based.
(2) Stay of Proceedings Pending Appeal. An appeal stays all activity permitted by the action appealed from, unless the Code Enforcement Officer opines in writing to the Council that based on specific facts, a stay would cause imminent peril to life or property. Alternatively, activity may be stayed by an order issued by the Council, or by a restraining order or injunction issued by a court of competent jurisdiction.

1400.4 Violations

(1) Complaints. If the Code Enforcement Officer receives a written complaint alleging a violation of this Ordinance, he shall investigate, take appropriate action and inform the complainant of such action.
(2) Remedies. Any violation of this Ordinance authorizes the Code Enforcement Officer to petition for any appropriate legal remedy. The Code Enforcement Officer may also suspend or invalidate permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summons to any court of competent jurisdiction, or take any other legal or administrative action deemed appropriate to the severity of the violation and degree of threat to the public health, safety, morality, or welfare.
(3) Emergency Measures. Notwithstanding any other provisions of this Ordinance, if the Code Enforcement Officer determines a violation poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary actions or proceedings to address the perilous condition.
(4) Penalties. As authorized in Section 1-11 of the Code of Ordinances, upon conviction of a violation of this Ordinance, any violator of this Ordinance shall be fined up to One Thousand Dollars ($1,000.00) or imprisoned in the county jail for a period not to exceed six (6) months, or both, for each violation. Every day such violation continues shall constitute a separate offense.

Section 1405 Permitting Requirements.

1405.1 Development Review Required. Development review is required prior to (1) use or occupancy of any change in use of any lot, (2) any new construction, reconstruction or alteration to a structure or parcel, and (3) any subdivision of land or property. It shall be unlawful to initiate the actions listed above prior to submitting all proposals, applications, plans, or other supporting materials required for development review. Development

review shall include review of the zoning, plan, design, sign, and subdivision requirements as provided for in this Ordinance and other codes, standards, regulations, and criteria related to land use in the City of Monroe. A development review packet, outlining relevant submission requirements, deadlines, and review policies, as well as applications and a schedule of fees shall be available upon request from the Code Office. The Code Enforcement Officer shall keep a record of all development review applications and issuance of related letters and certificates.

1405.2 Building Permit Required. It shall be unlawful to start any work for construction, alteration or removal of any structure unless a building permit has been issued in compliance with this Ordinance and other codes, standards, regulations, and criteria related to building and zoning in the City of Monroe.

(1) Building Permit Issuance and Posting. Upon confirmation after development review that the proposed construction, reconstruction or alteration fully complies with this Ordinance and all other applicable laws, regulations, and ordinances, a building permit shall be issued by the Code Enforcement Officer upon payment of the required fee set forth by the Fee Schedule. A building permit shall be issued according to the type of work proposed (e.g. grading, construction, electrical, demolition, etc.). Each required permit shall be conspicuously displayed by the applicant on the permitted premises until project completion and removed within 14 days of the issuance of the Certificate of Occupancy or completion of the work, as the case may be.

(2) Inspections Required. A schedule of required inspections shall be available and shall be followed during all phases of work; scheduling inspections is the responsibility of the property owner or agent.

(3) Expiration of Building Permit; Renewal. If the project is less than twenty-five percent (25%) complete (measured by a building cost analysis) after six (6) months from permit issuance, the building permit shall become invalid. The Code Enforcement Officer shall renew the permit one (1) time for an additional six (6) months upon payment of a renewal fee set by the Fee Schedule.

1405.3 Certificate of Occupancy (CO) Required. A certificate of occupancy issued by the Code Enforcement Officer is required prior to the use or occupancy of any change in use of any lot, or any new construction, reconstruction or alteration. No certificate of occupancy shall be issued unless the lot and structure comply with this Ordinance, and all other laws, regulations, and ordinances. The Code Enforcement Officer shall keep a record of all applications for and issuance of all certificates of occupancy.

Section 1410 Planning Commission.

The Planning Commission is authorized to review applications, hold public hearings, and make recommendations to the Council on applications for amendments to the text or map of this Ordinance in accordance with Section 1420 & 1421, conditional use applications in accordance with Section 1425, variance applications in accordance with Section 1430 and site plan review of Planned Development District proposals, all of which constitute requests for "zoning action." Public hearings required for the above listed actions shall comply with Sections 1440 and 1445. After its hearing, the Planning Commission may decide not to make a recommendation, or it may make a recommendation to the Council, including the following: approval, approval with the imposition of conditions, denial, deferral to a specific meeting date, reduction of the land area, or take action different than that requested. If the Planning Commission makes no recommendation, then it shall report to the Council that it makes no recommendation.

The Planning Commission's recommendations shall be submitted to the Council prior to the public hearing held by the Council. If, however, the Planning Commission fails to submit a recommendation within thirty-five (35) days after the Planning Commission's hearing, the Planning Commission shall be deemed to have recommended approval.

Section 1415 City Council.

The Council retains authority for final decisions in all zoning actions. The Council may uphold, reverse, add to, limit, modify with conditions, or take action different from any recommendation made by the Planning Commission. It may also defer a decision until a specified meeting date.

Section 1419 Amendment to the Comprehensive Plan.

The Council may amend the Comprehensive Plan, including but limited to the Future Land Use Map, from time to

time. Such planning actions shall follow the outlined amendment procedure. Applications for a planning action, specifically an amendment to the Comprehensive Plan or any component or part thereof, may be submitted concurrently with an annexation petition and/or application for zoning action.

Section 1420 Zoning Ordinance Text Amendments.

1420.1 Authority. The Council may amend the text of this Ordinance from time to time. Such amendments require a public hearing by the Planning Commission and Council.

1420.2 Initiation of Zoning Ordinance Text Amendments. An application to amend this Ordinance may be initiated by the Council, by the owner of property located within the City limits, or by the owner's designee.

1420.3 Frequency of Applications. After an application for a text amendment has been considered, no application pertaining to the same or similar use or text section requested shall be accepted within twelve (12) months from the date of the application. A text amendment may be initiated by the City at any time.

1420.4 Application Procedure for Zoning Ordinance Text Amendment.

(1) Pre-application Conference. All applicants must meet with a member of the Code Office to discuss the application procedures, the public hearing process, and any other information which may be pertinent to the proposed request. Applications will not be accepted until a pre-application conference has been held. Conferences may be handled via telephone at the discretion of the Code Enforcement Officer.

(2) Application Contents. Each application for a text amendment must be submitted to the Code Enforcement Officer at least thirty (30) days before any hearing by the Planning Commission. Unless waived by the Code Enforcement Officer, each application submitted by a person other than the City shall include all the following information about the requested text amendment:
   - (a) a statement of intent explaining in detail the requested change, the proposed use, and any special or unusual parts of the request;
   - (b) a statement explaining why any subject property is not suitable for development under the existing text of the Ordinance as well as an explanation of the hardship which will result if the amendment is not granted;
   - (c) any other information as may be reasonably required by the Code Enforcement Officer.

(3) Filing Fee. All applications for a zoning ordinance text amendment shall be accompanied by payment of a non-refundable fee as established by the Fee Schedule.

(4) Disclosure Report. The requirements of Section 1450 apply.

(5) Withdrawal of Amendment Application. Any application may be withdrawn once at any time at the discretion of the applicant without prejudice, upon written notice to the Code Enforcement Officer, prior to a decision by the Council.

1420.5 Notice Procedure. The requirements of Section 1440 apply.

1420.6 Planning Commission Hearing and Recommendation. The Planning Commission shall consider the standards in Section
1420.8 prior to any recommendation. Hearings shall comply with Section 1445.

1420.7 City Council Hearing and Decision. Before taking action on a zoning ordinance text amendment application, the Council shall hold a hearing in accordance with Section 1445, and shall consider the standards in Section 1420.8. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

1420.8 Standards for Zoning Ordinance Text Amendment Application Decisions. The Planning Commission and the Council shall consider the following:

(1) the location, present use and zoning classification of any subject property, and its suitability and economic viability for use as currently zoned;

(2) the proposed use and zoning classification of the subject property;

(3) the existing land uses and zoning classification of nearby property, whether the zoning ordinance text amendment proposal seeks a use consistent with the use and development of adjacent and nearby

property, and to what extent the zoning ordinance text amendment proposal will adversely affect adjacent or nearby property;

(4) whether the zoning proposal will result in a use which could adversely affect existing infrastructure including without limitation streets, transportation facilities, utilities, schools, police and fire protection, and municipal personnel;

(5) whether the zoning proposal is consistent with the Comprehensive Plan; and,

(6) whether there are other factors or existing or changing conditions regarding the use and development of any property which give supporting grounds for either approval or disapproval of the zoning ordinance text amendment proposal.

Section 1421 Zoning Map Amendments.

1421.1 Authority. The Council may amend the Official Zoning Map from time to time. Such amendments require a public hearing by the Planning Commission and Council.

1421.2 Initiation of Zoning Map Amendments. An application to amend the Official Zoning Map may be initiated by the Council, by the owner of the subject property, or by the owner's designee.

1421.3 Frequency of Applications. After an application for a zoning map amendment has been considered, no application pertaining to the same property shall be accepted within twelve (12) months from the date of the application. A map amendment may be initiated by the City as any time.

1421.4 Application Procedure for Zoning Map Amendments.

(1) Pre-application Conference. All applicants must meet with a member of the Code Office to discuss the application procedures, the public hearing process, and any other information which may be pertinent to the proposed request. Applications will not be accepted until a pre-application conference has been held. Conferences may be handled via telephone at the discretion of the Code Enforcement Officer.

(2) Application Contents. Each application for a rezoning must be submitted to the Code Enforcement Officer at least thirty (30) days before any hearing by the Planning Commission. Unless waived by the Code Enforcement Officer, each application submitted by a person other than the City shall include all the following information about the subject property:

(a) legal description;

(b) survey plat showing acreage and abutting property owners;

(c) current zoning of the subject property and abutting properties and description of all existing uses of abutting properties;

(d) a statement of intent explaining the requested zoning change, the proposed use, and any special or unusual parts of the rezoning request;

(e) a description of suitability for development under existing and proposed zoning and a description of all existing uses and structures;

(f) the duration of vacancy or non-use if the property is vacant and unused at the time the application is submitted;

(g) a site plan drawn to scale showing the proposed use, including at a minimum information on proposed improvements, including parking and traffic circulation areas of required landscaping, stormwater, detention structures, amenities, buildings, and buffers;

(h) for any applications for commercial or industrial uses , the site plan shall also identify the maximum gross square footage of structures, the minimum square footage of landscaped area, the maximum height of any structure, the minimum square footage of parking and drive areas, and the proposed number of parking spaces, landscaping and buffers, stormwater retention structures;

(i) for any application for single-family residential uses, the site plan shall also identify the maximum number of residential dwelling units, the maximum height of any structure, the minimum square footage of landscaped area, the maximum gross square footage of structures, and the proposed number of parking spaces;

(j) for any application for multi-family residential uses, the site plan shall also identify the maximum height of any structure, location of amenities, and buffer areas; and,

(k) any other information as may be reasonably required by the Code Enforcement Officer.

(3) Filing Fee. All applications for a zoning map amendment shall be accompanied by payment of a non-refundable fee as established by the Fee Schedule.

(4) Disclosure Report. The requirements of Section 1450 apply.
(5) Withdrawal of Amendment Application. Any application may be withdrawn once at any time at the discretion of the applicant without prejudice, upon written notice to the Code Enforcement Officer, prior to a decision by the Council.

1421.5 Notice Procedure. The requirements of Section 1440 apply.

1421.6 Planning Commission Hearing and Recommendation. The Planning Commission shall consider the standards in Section 1421.8 prior to any recommendation. Hearings shall comply with Section 1445.

1421.7 City Council Hearing and Decision. Before taking action on a zoning map amendment application, the Council shall hold a public hearing in accordance with Section 1445, and shall consider the standards in Section 1421.8. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

1421.8 Standards for Zoning Map Amendment Application Decisions. The Planning Commission and the Council shall consider the following:
(1) the location, present use and zoning classification of the subject property, and its suitability and economic viability for use as currently zoned;
(2) the proposed use and zoning classification of the subject property;
(3) the existing land uses and zoning classification of nearby property, whether the zoning proposal seeks a use consistent with the use and development of adjacent and nearby property, and to what extent the zoning proposal will adversely affect adjacent or nearby property;
(4) whether the zoning proposal will result in a use which could adversely affect existing infrastructure including without limitation streets, transportation facilities, utilities, schools, police and fire protection, and municipal personnel;
(5) whether the zoning proposal is consistent with the Comprehensive Plan; and,
(6) whether there are other factors or existing or changing conditions regarding the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Section 1425 Conditional Uses.

Certain uses are not generally allowed in a zoning district, but may be allowed under certain conditions. A conditional use permit does not constitute a permanent change in zoning or use, and may be lost if it does not continue to meet the required conditions. A conditional use must be made compatible with the applicable zoning district by imposition of appropriate conditions. Conditional uses require Council approval after public hearings by the Planning Commission and Council in accordance with this article.

1425.1 Application Procedure.
(1) Application Contents. Each application for a conditional use must be submitted to the Code Enforcement Officer at least thirty (30) days before any hearing by the Planning Commission. Unless waived by the Code Enforcement Officer, each application shall include all the following information about the subject property:
    (a) name and address of applicant, and name and address of the owner or operator of the proposed structure or use, if different from the applicant;
    (b) nature of the proposed use, including without limitation the type of activity proposed, manner of operation, number of occupants and/or employees, hours of operation, number of vehicle trips, water and sewer use, and similar matters;
    (c) vicinity map, location of the proposed use or structure, and its relationship to existing adjacent uses or structures, and use of adjacent property;
    (d) area, dimensions and details of the proposed structure(s) or use(s), including without limitation, existing and proposed parking, landscaped areas, height and setbacks of any proposed buildings, and location and number of proposed parking/loading spaces and access ways;
    (e) identification and location of all existing or proposed utilities; and,
    (f) any other information as may be reasonably required by the Code Enforcement Officer.

(2) Filing Fee. All applications for conditional use shall be accompanied by payment of a non-refundable fee as established by the Fee Schedule.
(3) Disclosure Report. The requirements of Section 1450 apply.
(4) Withdrawal of Conditional Use Application. Any application may be withdrawn once at any time at the discretion of the applicant without prejudice, upon written notice to the Code Enforcement Officer, prior to a decision by the Council.

1425.2 Notice Procedure. The requirements of Section 1440 apply.

1425.3 Planning Commission Hearing and Recommendation. The Planning Commission shall consider the standards in Section 1425.5 prior to making any recommendation. Hearings shall comply with Section 1445.

1425.4 City Council Hearing and Decision. Before taking action on a conditional use application, the Council shall hold a public hearing in accordance with Section 1445, and shall consider the standards in Section 1425.5. At the conclusion of the public hearing, the Council may approve or deny the application, delete conditions and/or impose additional conditions, or defer a decision until a specified meeting date.

1425.5 Standards for Conditional Use Application Decisions. A conditional use shall be approved only when it is determined based on the evidence presented at the public hearing that all of the following conditions have been met:
(1) the proposed use will not be detrimental to adjacent properties or the general neighborhood, the proposed use will not significantly adversely affect public health, safety, morality and welfare, and the proposed use as designed will minimize adverse effects on the surrounding neighborhood;
(2) applicable standards in Article X have been met;
(3) the proposed use is consistent with the Comprehensive Plan, and the conditional use is compatible with the community development pattern;
(4) a rezoning to allow the requested use as a permitted use would not be appropriate;
(5) the proposed use will not be injurious to the natural environment or the other property in the immediate vicinity, or unconstitutionally diminish property values within the surrounding neighborhood;
(6) off-street parking and loading, and access thereto, will be adequate;
(7) public facilities and utilities are capable of adequately serving the proposed use, and the use would not lead to a major negative change in existing levels of public service, or fiscal stability;
(8) the use will not be an extension of a use which will cause a damaging volume of (a) agricultural, (b) commercial,
(c) industrial, or (d) higher density residential use into a stable neighborhood of well-maintained single-family homes, nor likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, or additional requests of a similar nature which would expand the problem;
(9) the use would not significantly increase congestion, noise, or traffic hazards; and,
(10) granting this request would not have a “domino effect,” in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Plan.

Section 1430 Variances.

The City Council may in specific cases approve a variance from the terms of this Ordinance as will not be contrary to the public interest where, due to special circumstances, a literal enforcement of the Ordinance will in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A non-conforming use of neighboring land, buildings, or structures in the same district or permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.

1430.1 Use Variance Prohibited. No variance may be granted that would permit a use not permitted by right or as a conditional use in the district.

1430.2 Application Procedure.
(1) Application Contents. Each application for a variance must be submitted to the Code Enforcement Officer at

least thirty (30) days before any hearing by the Planning Commission. Unless waived by the Code Enforcement Officer, each application shall include all the following information about the subject property:

(a) name and address of applicant;
(b) location of structure and/or use for which the variance is sought, as shown on a plat by a licensed surveyor;
(c) relationship of structure and/or use to existing structures and uses on adjacent lots;
(d) specific sections of this Ordinance which would cause hardship;
(e) characteristics of property relating to its size, shape or topography that prevent compliance with this Ordinance;
(f) the particular hardship that would result from strict application of this Ordinance;
(g) for any application for an overlay district, a Certificate of Appropriateness or a letter of support from the design review board (i.e. Historic Preservation Commission, Corridor Design Commission) for the district; and,
(h) any other information as may be reasonably required by the Code Enforcement Officer.

(2) Filing Fee. All applications for variance shall be accompanied by payment of a non-refundable fee as established by the Fee Schedule.
(3) Disclosure Report. The requirements of Section 1450 apply.
(4) Withdrawal of Variance Application. Any application may be withdrawn once at any time at the discretion of the applicant without prejudice, upon written notice to the Code Enforcement Officer, prior to a decision by the Council.

1430.3 Notice Procedure. The requirements of Section 1440 apply.

1430.4 Planning Commission Hearing and Recommendations. The Planning Commission shall consider the standards in Section 1430.6 prior to making any recommendation. Hearings shall comply with Section 1445.

1430.5 City Council Hearing and Decision. Before taking action on a variance application, the Council shall hold a public hearing in accordance with Section 1445, and shall consider the standards in Section 1430.6. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

1430.6 Standards for Variance Application Decisions.
When considering an application for a variance, the Council and the Planning Commission should consider the following issues in regards to the subject property and requested variance:

(1) Whether there are extraordinary and exceptional conditions pertaining to the subject property because of size, shape, or topography;
(2) Whether the literal application of this Ordinance would create an unnecessary hardship;
(3) Whether the variance would not cause substantial detriment to public good or impair the purposes or intent of this Ordinance;
(4) Whether a variance will not confer upon the property of the applicant any special privilege denied to other properties in the district;
(5) Whether the special circumstances surrounding the request for the variance are not the result of acts by the applicant;
(6) Whether the variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;
(7) Whether the zoning proposal is consistent with the construction and design standards and design criteria adopted by the City of Monroe; and,
(8) Whether the variance is the minimum variance that will make possible an economically viable use of the land, building, or structure.

Section 1440 Notice Provisions.

Whenever a public hearing is required under this Ordinance, posted and published notice shall be given as provided for in this Section.

1440.1 Published Notice.

(1) Planning Commission Hearing. A public notice shall be published in the official legal organ of Walton County, Georgia, or in a newspaper of general circulation in Monroe at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the City of Monroe Planning Commission, stating that the Planning Commission will hold a hearing and stating the purpose, time, date, and location of the hearing, location of the property being considered, the present zoning classification, and a brief description of the nature of the requested action.

(2) City Council Hearing. A public notice shall be published in the official legal organ of Walton County, Georgia, or in a newspaper of general circulation in Monroe at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the Council, stating that the Council will hold a hearing and stating the purpose, time, date, and location of the hearing, location of the property being considered, the present zoning classification, and a brief description of the nature of the requested action.

1440.2 Notice Posted on Property. Upon the filing of an application for any zoning action, the Code Office shall cause to be erected in a conspicuous place on the subject property, no less than fifteen (15) days prior to the scheduled hearings, one (1) or more sign(s) furnished by the City, each of which shall contain information as to the proposed change and the date and time of the public hearings before the Council and Planning Commission. No such public hearing shall take place until said signs have been posted for at least fifteen (15) days. The sign shall read more or less as follows:

NOTICE TO PUBLIC

An application has been filed regarding this property requesting (FILL IN THE ZONING ACTION REQUESTED, for example: “a rezoning from [insert present zone] to [insert zone requested]”; or “application for a conditional use to use the property as (insert proposed use)”; or “application for a variance to allow [insert proposed use]”, or “application for a text amendment to allow (insert proposed use]”). A public hearing will be held by the City of Monroe Planning Commission to review and consider a recommendation to the Monroe City Council at [LOCATION], on [DATE], at [TIME]. The Monroe City Council will hold a public hearing and a decision will be made at [LOCATION] on [DATE], at [TIME]. All persons having an interest in this application should be at both of these public hearings to voice their interest.

Such posting of the property is not required when the City enacts a new zoning map or initiates a text amendment. Nor is it necessary for the City to give actual written notice directly to the individual property owner. In such cases of City initiated zoning actions, the notice published pursuant to Section 1440.1 shall make express reference to “adoption of the Official Zoning Map of the City of Monroe, Georgia” or “amendment to the text of the City of Monroe Zoning Ordinance”, as the case may be. No further detail as to the new zoning ordinance or map in the notice will be necessary.

Section 1445 Public Hearing Procedures.

Whenever a public hearing is required by this Ordinance or by state law to be held by the Planning Commission or Council prior to a proposed zoning action, such hearing, whether conducted by the Planning Commission or the Council, shall be governed by this Section, which is adopted pursuant to O.C.G.A. Section 36-66-5(a).

1445.1 Administrative Record. Minutes of the meeting will be taken by a secretary to the Planning Commission or the City Clerk.

1445.2 Presiding Officer to Call the Meeting to Order. The public hearing shall be called to order by the presiding officer, who shall summarize the requirements as to speakers’ conduct and time limits, and other matters of procedure.

1445.3 Staff Report. The Code Enforcement Officer shall report on the following:

(1) location of the property, present zoning classification, and description of requested zoning action;
(2) any report, investigation, or recommendations of the Code Enforcement Officer;
(3) for hearings before the Council, the recommendation of the Planning Commission and any additional information designated by the Planning Commission to be presented to the Council; and,
(4) any other information as may be reasonably required by Code Enforcement Officer, Planning Commission or Council.

1445.4 Speakers' Conduct. All speakers shall speak only from the lectern, shall address only the merits of the pending application, and shall address remarks only to the Planning Commission or Council. Each speaker shall refrain from personal attacks on any other speaker, any discussion irrelevant to the pending application, or any other inappropriate behavior. No debate or argument between speakers or with Commission or Council members will be allowed. Speakers shall not repeat previous comments, as repetition deprives other speakers of valuable time to provide new information. The presiding officer or his/her designee shall refuse a speaker the right to continue, if the speaker, after once being cautioned, continues to violate any section of this Ordinance. Speakers should provide supporting documentation prior to the date of the hearing.

1445.5 Applicant's Initial Presentation. The applicant or applicant's representative shall present and explain the application after being permitted to proceed. The applicant will be allowed not less than ten (10) minutes combined total to make an initial presentation and subsequent rebuttal, but the applicant and all supporters shall have a combined time limit of no more than fifteen (15) minutes.

1445.6 Other Interested Parties. After the applicant's presentation, interested persons who support the application, after being permitted to speak by the presiding officer, may address the proposed application by standing and stating their name, address, and interest and any comments on the pending application. Persons other than the applicant who support the application are allowed to speak in support of the pending application for no more than two (2) minutes each, and are also subject to the fifteen (15) minute combined total time limit. Persons opposing an application are allowed at least ten (10) minutes total as a group (and in no event less than the combined time used by the applicant in its initial presentation and any supporters), to address their opposition to the application. The opponents shall have a combined total time limit of no more than fifteen (15) minutes. It is suggested that supporters and opponents each obtain one (1) spokesperson to present their views. No individual except the applicant, or an attorney, or a designated representative of a group, shall speak longer than two (2) minutes or more than one time.

1445.7 Applicant's Rebuttal/Summary. The applicant may make brief rebuttal/summary remarks using any reserved time, after which the presiding officer shall close the public hearing.

1445.8 Deliberation and Action by the Planning Commission or City Council; Appeal. At the close of the public hearing, the Planning Commission or Council shall deliberate and take action. Deliberation may include questions to applicants, supporters and/or opponents. Actions shall be by majority vote. The Chairman of the Planning Commission shall vote on all matters before the Commission. The Mayor may vote only in the event of a tie.

1445.9 Appellate Procedure. Any person or persons who may have a substantial interest in any decision of the Mayor and Council may appeal said final decision to the Superior Court of Walton County, Georgia. Such appeal shall be filed with the Clerk of said Court by filing a notice of appeal in writing, setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such notice of appeal shall be filed within thirty (30) days after the decision of the Mayor and Council is rendered. A copy of the notice of appeal shall be served on the Mayor and Council.

Section 1450 Disclosure of Campaign Contributions and/or Gifts.

When any applicant for any zoning action, or any supporter or opponent of any zoning action who has contacted the City to express an opinion or who wishes to speak at a public hearing or submit written opinion, has made within two (2) years immediately preceding the filing of that application campaign contributions and/or gifts totaling two hundred and fifty dollars ($250.00) or more to an official of the City of Monroe, it shall be the duty of said person to file a disclosure report with the City. In the case of the applicant, filing shall be within ten (10) days after the application is made, and in the case of a supporter or opponent, filing shall be at least five (5) days before the first public hearing. Such disclosure report shall include the name and official position of the official to whom the campaign contribution and/or gift was made, and the dollar amount, date, and description of each campaign contribution and/or gift made during the two (2) years immediately preceding the filing of the application.

Section 1460 Conflict of Interest In Zoning Decisions.

Any City Official who has a property interest in any real property affected by a zoning action which the City will consider, or has a financial interest in any business entity which has a property interest in any real property affected by a zoning action which the City will consider, or has a member of their immediate family having any such interest, shall immediately disclose the nature and extent of such interest, in writing, to the Council. Such City Official shall disqualify himself from attending, participating in or voting on the zoning action. Disclosures made in accordance with this Section shall be public record and available for public inspection during normal business hours. Terms used herein are defined below.

(1) BUSINESS INTEREST: Any corporation, partnership, limited liability company, limited partnership, limited liability partnership, firm, enterprise, franchise, association, or trust.

(2) FINANCIAL INTEREST: All direct ownership interests of total assets or capital stock of a business entity of ten percent (10%) or more.

(3) CITY OFFICIAL: The Mayor, Council member, or any member of the Planning Commission.

(4) MEMBER OF THE FAMILY: The spouse, parent, sibling, or child of a City Official.

(5) PROPERTY INTEREST: The direct ownership of real property, including any percentage of ownership.

ARTICLE XV: LEGAL PROVISIONS

Section 1500 Conflict with Other Laws

When the regulations of this Ordinance impose more restrictive standards than under other laws, this Ordinance shall govern. When the provisions of any other law impose more restrictive standards than this Ordinance, such other law shall govern.

Section 1510 Severability

If any part of this Ordinance is found invalid, such invalidity shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

Section 1520 Repeal of Conflicting Ordinances

The City of Monroe Zoning Ordinance of November 4, 1997 and all other ordinances and resolutions and parts thereof in conflict with this Ordinance are hereby repealed.

Section 1520. 1 Legal Form and Sufficiency

"This document has been approved as to its legal form and sufficiency."

City Attorney

Section 1530 Effective Date

This Ordinance shall take effect and shall be in force from and after the 1st day of July, 2014.

Adopted and approved by the City Council after first reading and a public hearing on the 13th day of May, 2014 and second reading on the 10th day of June, 2014.

APPROVED:

Mayor, City of Monroe, Georgia

6-10-14
Adoption Date

ATTEST:

City Clerk, City of Monroe, Georgia

City Attorney

Planning Commission Chairman

y:\clientfiles\plr\city of monroe- 05.247.01\zoningordinance rewrite-july 2014\zoning ordinance effective july 1 ,2014.final.docx